

09:15AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

August 29, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF LOUIS SELVA - DAY 3
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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* * * * *

(Excerpt commenced at 9:36 a.m.)

(Jury seated at 9:37 a.m.)

THE COURT: Good morning, everyone.

JURORS: Good morning.

THE COURT: The record will reflect that all our
jurors are present.

I remind the witness that he's still under oath.

And, Mr. Singer, you may begin.

MR. SINGER: Thank you.

L O U I S S E L V A, having been previously duly called and
sworn, continued to testify as follows:

CROSS-EXAMINATION BY MR. SINGER:

Q. Good morning, Mr. Selva.

A. Good morning.

Q. So I guess you are the proverbial inside man; is that
right?

A. Yes, sir.

09:37AM 1 Q. You've had a long-standing relationship with

09:37AM 2 Mr. Bongiovanni; is that right?

09:37AM 3 A. Yes, sir.

09:37AM 4 Q. You guys have known each other pretty much all your

09:37AM 5 lives, correct?

09:37AM 6 A. Correct.

09:37AM 7 Q. And yesterday, you talked at length about this criminal

09:38AM 8 conspiracy that you claim that Mr. Bongiovanni was involved

09:38AM 9 in, correct?

09:38AM 10 A. Correct.

09:38AM 11 Q. And a lot of the meetings that you and Mr. Bongiovanni

09:38AM 12 had, at that time according to your testimony, it was between

09:38AM 13 you and him, correct?

09:38AM 14 A. Correct.

09:38AM 15 Q. Mike Masecchia wasn't there?

09:38AM 16 A. No, he wasn't.

09:38AM 17 Q. It was just you guys?

09:38AM 18 A. Yes.

09:38AM 19 Q. Alone?

09:38AM 20 A. Yes.

09:38AM 21 Q. Sometimes at a bar?

09:38AM 22 A. Sometimes.

09:38AM 23 Q. Sometimes talking on the phone?

09:38AM 24 A. Yes.

09:38AM 25 Q. Sometimes at a park?

09:38AM

1 A. Yes.

09:38AM

2 Q. We heard a lot of different places, right?

09:38AM

3 A. Yes.

09:38AM

4 Q. But it's just you two, right?

09:38AM

5 A. Yes.

09:38AM

6 Q. And at the time that you got arrested, you started

09:38AM

7 cooperating with the government, you didn't wear a wire

09:38AM

8 during any conversations you had with Mr. Bongiovanni, right?

09:38AM

9 A. No.

09:38AM

10 Q. So there's no recordings of conversations that you and he

09:38AM

11 may have had in the late summer to early fall of 2019?

09:38AM

12 A. No.

09:38AM

13 Q. No conversations that occurred that were recorded between

09:39AM

14 you guys that happened after that time, right?

09:39AM

15 A. No.

09:39AM

16 Q. So I want to go a little bit into some of the aspects of

09:39AM

17 your testimony.

09:39AM

18 Let's start first with your relationship with

09:39AM

19 Mr. Bongiovanni.

09:39AM

20 So you two grew up together right?

09:39AM

21 A. Yes.

09:39AM

22 Q. And that friendship progressed through the high school

09:39AM

23 years, correct?

09:39AM

24 A. Correct.

09:39AM

25 Q. You guys grew up in the same neighborhood?

09:39AM

1 A. We did.

09:39AM

2 Q. And then after graduation from high school, when that

09:39AM

3 happened, that was going back into like the late '80s?

09:39AM

4 A. '82.

09:39AM

5 Q. So early '80s?

09:39AM

6 A. Early '80s.

09:39AM

7 Q. So we're talking about 40 years ago?

09:39AM

8 A. Graduated from high school, yes.

09:39AM

9 Q. And after the high school years were finished there were

09:39AM

10 times when you two associated together when you're in the

09:39AM

11 college years, correct?

09:39AM

12 A. Correct.

09:39AM

13 Q. So we're talking about moving out of your late teens and

09:40AM

14 into your early to 20s; is that right?

09:40AM

15 A. Yes.

09:40AM

16 Q. And eventually you two start up to become adults and have

09:40AM

17 families, correct?

09:40AM

18 A. That's correct.

09:40AM

19 Q. So as we progress into the mid '90s, were Bongiovanni,

09:40AM

20 he's dating his first wife, JoAnn, right?

09:40AM

21 A. In the mid '90s?

09:40AM

22 Q. Yeah.

09:40AM

23 A. I believe so, yes.

09:40AM

24 Q. And you're start to date your then wife at that time,

09:40AM

25 correct?

09:40AM

1 A. Yes.

09:40AM

2 Q. When was it that you got married?

09:40AM

3 A. I got married in '92.

09:40AM

4 Q. So you got a little earlier than Mr. Bongiovanni,

09:40AM

5 correct?

09:40AM

6 A. I believe so, yes.

09:40AM

7 Q. Because he got married in 1994?

09:40AM

8 A. Yes.

09:40AM

9 Q. And when was it that you had your first child?

09:40AM

10 A. Me?

09:40AM

11 Q. Yes.

09:40AM

12 A. In '92.

09:40AM

13 Q. So right in '92?

09:40AM

14 A. Yes.

09:40AM

15 Q. It was a daughter, correct?

09:40AM

16 A. That's correct.

09:40AM

17 Q. And then you had a second child in that relationship as

09:40AM

18 well, right?

09:40AM

19 A. I did.

09:40AM

20 Q. When was that?

09:40AM

21 A. 1996.

09:40AM

22 Q. Okay. So a little bit later?

09:40AM

23 A. Yes.

09:40AM

24 Q. Mr. Bongiovanni, he had his first daughter in 1997,

09:40AM

25 correct?

09:41AM 1 A. I believe so. That was the timeframe, yes.

09:41AM 2 Q. And, you know, I know I've got buddies too, and when I
09:41AM 3 was -- before I was married I used to hang out with them a
09:41AM 4 lot, right?

09:41AM 5 A. That's correct.

09:41AM 6 Q. You used to do the same thing with Mr. Bongiovanni?

09:41AM 7 A. Yes.

09:41AM 8 Q. But eventually when you settle down, things change a
09:41AM 9 little bit, right?

09:41AM 10 A. Yes.

09:41AM 11 Q. So, when you got married in 1992, you were hanging out
09:41AM 12 with your wife and your newborn daughter a lot more than
09:41AM 13 Mr. Bongiovanni, right?

09:41AM 14 A. Yes.

09:41AM 15 Q. And I know you guys would see each other every now and
09:41AM 16 then, weekends that kind of thing, right?

09:41AM 17 A. Yes.

09:41AM 18 Q. But it wasn't like you were hanging out the same way you
09:41AM 19 were as teenagers?

09:41AM 20 A. No.

09:41AM 21 Q. Or even before you were married?

09:41AM 22 A. No.

09:41AM 23 Q. And eventually Joe gives up bachelorhood and he gets
09:41AM 24 married in '94, right?

09:41AM 25 A. Yes.

09:41AM 1 Q. And so that's a situation where you might expect him to
09:41AM 2 spend more time with his new wife, correct?

09:41AM 3 A. It's logical, yes.

09:41AM 4 Q. Um-hum. And that was something that, you know, you
09:42AM 5 caused you guys to hang out a little bit less, right?

09:42AM 6 A. Yes.

09:42AM 7 Q. You also mentioned that at some period of time, you move
09:42AM 8 out to Las Vegas with your wife and your child, right?

09:42AM 9 A. Both children. Yes.

09:42AM 10 Q. Both children?

09:42AM 11 A. Yes.

09:42AM 12 Q. So, you move out to Vegas in 1997?

09:42AM 13 A. '97, correct.

09:42AM 14 Q. So that was right after the birth, a year or so after the
09:42AM 15 birth of your second child?

09:42AM 16 A. It was. She was a baby at that time, yes.

09:42AM 17 Q. And you mentioned how Mr. Bongiovanni in the earlier
09:42AM 18 years around his marriage, he was working for the Sheriff's
09:42AM 19 Office?

09:42AM 20 A. Yes.

09:42AM 21 Q. He was working as a deputy in the corrections center?

09:42AM 22 A. Yes.

09:42AM 23 Q. And then at some point in time, he decides he wants to
09:42AM 24 change careers and he applies to the DEA, correct?

09:42AM 25 A. Yes.

09:42AM 1 Q. He was accepted into the DEA and then he went to the DEA
09:42AM 2 academy, correct?

09:42AM 3 A. Correct.

09:42AM 4 Q. And his acceptance in the DEA, that happens after you
09:42AM 5 moved to Las Vegas, correct?

09:42AM 6 A. I was in Las Vegas, correct.

09:43AM 7 Q. And we talked a little bit about it, we're talking about
09:43AM 8 the late '90s here, so cell phones are a thing, but not like
09:43AM 9 they are today, right?

09:43AM 10 A. Correct. There was a different time, yes, but a lot of
09:43AM 11 people still had them.

09:43AM 12 Q. Um-hum. So some people had them. And we're not quite in
09:43AM 13 the same time of the big box, right?

09:43AM 14 A. Not what they are today at that time, no.

09:43AM 15 Q. Yeah, but we're talking about something that's a little
09:43AM 16 bigger, correct?

09:43AM 17 A. Yes.

09:43AM 18 Q. And the more expensive too?

09:43AM 19 A. Now or then?

09:43AM 20 Q. Back then.

09:43AM 21 A. Not that expensive.

09:43AM 22 Q. Well, you know back in the day, you worked in the
09:43AM 23 cellular industry, right?

09:43AM 24 A. Correct.

09:43AM 25 Q. And up know back in the day, people used to pay minutes

09:43AM 1 as opposed to just pay for the unlimited minutes, right?

09:43AM 2 A. At that timeframe in Las Vegas, we were introducing the
09:43AM 3 unlimited plan so.

09:43AM 4 Q. Back then you had unlimited minutes?

09:43AM 5 A. Yes.

09:43AM 6 Q. It was a night and weekends thing right?

09:43AM 7 A. And after, I don't recall after 5 or 6.

09:43AM 8 Q. Yeah. Night and weekends?

09:43AM 9 A. But then there were business plans when could you go on
09:44AM 10 and speak whatever, any time.

09:44AM 11 Q. But I guess what I'm getting at is cell phones were as
09:44AM 12 ubiquitous as they were now?

09:44AM 13 A. No.

09:44AM 14 Q. You were still calling up Mr. Bongiovanni on a landline,
09:44AM 15 right?

09:44AM 16 A. Yes. On a landline, right.

09:44AM 17 Q. He was picking up the landline the same way when you
09:44AM 18 called, right?

09:44AM 19 A. Correct.

09:44AM 20 Q. And I'm sure having two young daughters being in a new
09:44AM 21 city trying to make sure that you guys are getting up on your
09:44AM 22 feet financially took a lot of work, right?

09:44AM 23 A. Yes.

09:44AM 24 Q. What did you do out in Las Vegas again at the time?

09:44AM 25 A. I was in the cell -- wireless business.

09:44AM 1 Q. You also mentioned that you bartended as well?

09:44AM 2 A. Not in Las Vegas at all.

09:44AM 3 Q. Not in Las Vegas at all?

09:44AM 4 A. No.

09:44AM 5 Q. So you were kind of trying to establish yourself, right?

09:44AM 6 A. Yes.

09:44AM 7 Q. And your wife, was she working at the time?

09:44AM 8 A. She was, she was working part time.

09:44AM 9 Q. So you guys are managing two kids in a new town, right?

09:44AM 10 A. Yes.

09:44AM 11 Q. And you didn't have a lot of family there, right?

09:44AM 12 A. I had my brother, and I did have family there, a few

09:45AM 13 cousins.

09:45AM 14 Q. Were they helping out with the kids?

09:45AM 15 A. We worked out a schedule, yes, it worked.

09:45AM 16 Q. But it was busy, right?

09:45AM 17 A. Yes, everyone pitched in.

09:45AM 18 Q. And Joe was busy at the same time, too, he was down at

09:45AM 19 the DEA academy training to be a new agent, right?

09:45AM 20 A. I believe so, yes.

09:45AM 21 Q. And then after you had mentioned he graduated DEA,

09:45AM 22 academy, he moved down to Florida for his first duty station,

09:45AM 23 right?

09:45AM 24 A. I believe so, yes.

09:45AM 25 Q. And he moved down there with his wife, correct?

09:45AM 1 A. Correct.

09:45AM 2 Q. And their child?

09:45AM 3 A. Yes.

09:45AM 4 Q. He was establishing himself in a new job just like you

09:45AM 5 were out in Vegas, right?

09:45AM 6 A. Yes.

09:45AM 7 Q. And so I know you guys would talk from time to time, but

09:45AM 8 it wasn't like it was a frequent thing, right?

09:45AM 9 A. No, but we did keep in touch.

09:45AM 10 Q. I'm not saying you didn't keep in touch, sir, but it

09:45AM 11 wasn't like it was every single day, right?

09:45AM 12 A. Not at that time.

09:45AM 13 Q. It wasn't like it was every single week, right?

09:45AM 14 A. Maybe, you know, once a week, every other week. That

09:45AM 15 time.

09:45AM 16 Q. Um-hum. Sporadic is the way you put it, correct?

09:46AM 17 A. Correct.

09:46AM 18 Q. And that was how the contact was, sporadic?

09:46AM 19 A. At that point in time.

09:46AM 20 Q. And you mentioned that you had never gone down to Florida

09:46AM 21 to go visit Joseph Bongiovanni, right?

09:46AM 22 A. No.

09:46AM 23 Q. Not that time period?

09:46AM 24 A. Not a that time period, no.

09:46AM 25 Q. You also mentioned that he didn't come out to Vegas to

09:46AM 1 visit you, correct?

09:46AM 2 A. No.

09:46AM 3 Q. Okay. So you start to move into the 2000s, that's when

09:46AM 4 you suffer some marital difficulties; is that right?

09:46AM 5 A. I'm sorry, can you repeat that.

09:46AM 6 Q. Certainly, you move into the 2000s and you start to

09:46AM 7 suffer some marital difficulties, right?

09:46AM 8 A. Correct.

09:46AM 9 Q. You and your family move from Vegas back to Buffalo?

09:46AM 10 A. That's correct.

09:46AM 11 Q. And at the time, you and your wife separated, correct?

09:46AM 12 A. After a while, being back in Buffalo, we tried to make it

09:46AM 13 work, and then we made an agreement to separate.

09:46AM 14 Q. When did the divorce proceedings start up in that case?

09:46AM 15 A. 2002. I think. I don't recall exactly.

09:47AM 16 Q. When Mr. Bongiovanni made it back kind of had the same

09:47AM 17 issues going on, fair to say?

09:47AM 18 A. Yes. I believe so, yes.

09:47AM 19 Q. And he tried to make some things work but things

09:47AM 20 eventually didn't work out, correct?

09:47AM 21 A. Correct.

09:47AM 22 Q. So he separated from his wife?

09:47AM 23 A. I believe so. I don't know the timeframe. But yes. He

09:47AM 24 did separate.

09:47AM 25 Q. And eventually, he starts to go down the same path that

09:47AM 1 you did, with the divorce, correct?

09:47AM 2 A. Correct.

09:47AM 3 Q. And you mentioned in your testimony that it was really at
09:47AM 4 that time where both you were kind of single again, for lack
09:47AM 5 of a better word, that you start to see each other a little
09:47AM 6 bit more again?

09:47AM 7 A. Yes. I was working a second job. Bartending. I'm
09:47AM 8 trying to get back on my feet and get in a routine with my
09:47AM 9 kids. So, yes.

09:47AM 10 Q. So that's the Harry Harbor job that you mentioned
09:47AM 11 yesterday, right?

09:47AM 12 A. Yes.

09:47AM 13 Q. So you guys, you start to see each other a little bit.
09:48AM 14 You start to hang out a little bit, but eventually
09:48AM 15 Mr. Bongiovanni, he divorces fully, correct?

09:48AM 16 A. I believe so, yes.

09:48AM 17 Q. And you had mentioned that at some point, for a short
09:48AM 18 period, he had those support obligations to his ex spouse?

09:48AM 19 A. I'm sorry, I didn't hear you with the coughing, can you
09:48AM 20 repeat that?

09:48AM 21 Q. No problem. So at some point after the divorce, you
09:48AM 22 mentioned that Mr. Bongiovanni owes a support obligation to
09:48AM 23 his spouse, for spousal maintenance?

09:48AM 24 A. Correct, he had obligations, correct.

09:48AM 25 Q. But that's not something that lasted as long as the child

09:48AM 1 support that he owed for his daughter, correct?

09:48AM 2 A. I wasn't aware of that.

09:48AM 3 Q. You weren't aware of what?

09:48AM 4 A. I thought it lasted quite longer than that.

09:48AM 5 Q. Okay. So, you think that the spousal maintenance support

09:48AM 6 payments that he made to his ex-wife lasted for how long?

09:48AM 7 A. I don't know. A while. It was --

09:48AM 8 Q. Give me a time, sir, how long?

09:48AM 9 A. Ten years.

09:48AM 10 Q. Ten years?

09:48AM 11 A. I believe.

09:49AM 12 Q. That's how long you believe the spousal maintenance

09:49AM 13 support lasted of lasted?

09:49AM 14 A. I believe so.

09:49AM 15 Q. What led you to believe that?

09:49AM 16 A. Just his demeanor, conversation. Bring it up. Expenses.

09:49AM 17 Q. You thought it lasted for ten years?

09:49AM 18 A. I did.

09:49AM 19 Q. All right. So, as far as the child support payments were

09:49AM 20 concerned, you talked about that, right?

09:49AM 21 A. Correct.

09:49AM 22 Q. You talked about how he paid those support payments,

09:49AM 23 correct?

09:49AM 24 A. Correct.

09:49AM 25 Q. But there were some issues that he had, right?

09:49AM

1 A. Yes.

09:49AM

2 Q. Like one of the issues was, is that after the divorce,

09:49AM

3 his ex-wife didn't go back to work, correct?

09:49AM

4 A. I don't believe she ever worked.

09:49AM

5 Q. Yeah, and you mentioned that she had a master's degree,

09:49AM

6 right?

09:49AM

7 A. Yes.

09:49AM

8 Q. And that was one of the complaints that Mr. Bongiovanni

09:49AM

9 had, correct?

09:49AM

10 A. Yes.

09:49AM

11 Q. Like, hey, she's got a master's degree but she doesn't go

09:49AM

12 back to work and she's not pitching in on the financial side,

09:49AM

13 right?

09:49AM

14 A. Correct.

09:49AM

15 Q. And you had kind of similar squabbles sometimes with your

09:50AM

16 ex spouse, right?

09:50AM

17 A. No, my ex spouse always worked.

09:50AM

18 Q. Okay. Did you have any type of issues with the way the

09:50AM

19 support obligations were are divided up between you?

09:50AM

20 A. Are you talking about when I was divorced?

09:50AM

21 Q. Talking about when you're divorced.

09:50AM

22 A. Yes, that's why I was working two jobs.

09:50AM

23 Q. Stuff pops up, right?

09:50AM

24 A. Yes.

09:50AM

25 Q. You guys divorce for a reason, right?

09:50AM 1 A. I had two kids, not one, yes.

09:50AM 2 Q. So you had even more of an obligation?

09:50AM 3 A. I did. I had medical obligations that needed to be met
09:50AM 4 for my kids, clothing and school, and my ex and I we worked
09:50AM 5 that -- we worked it out amicably.

09:50AM 6 Q. And if your ex-wife, she chose not to work and you were
09:50AM 7 the person responsible for all the financial support, you'd
09:50AM 8 understand how that would be frustrating sometimes, right?

09:50AM 9 A. That wasn't my situation, sir. My ex-wife worked two
09:50AM 10 jobs and we worked it out.

09:50AM 11 Q. That's not the question I asked you.

09:50AM 12 A. Well, so I don't understand what you're saying.

09:50AM 13 Q. I'll ask you questions and you can provide answers, can
09:50AM 14 we agree on that?

09:50AM 15 A. We can agree on that, yes, sir.

09:50AM 16 Q. So the question was, you can understand how somebody who
09:50AM 17 had a spouse they divorced from didn't work would being
09:51AM 18 frustrated with the fact that spouse didn't work, correct?

09:51AM 19 A. Correct.

09:51AM 20 Q. Okay. So, as far as things moving forward, you'd
09:51AM 21 mentioned that around 2004, Mr. Bongiovanni gets into another
09:51AM 22 relationship, correct?

09:51AM 23 A. Correct.

09:51AM 24 Q. That was with a lady named Melissa?

09:51AM 25 A. Correct.

09:51AM 1 Q. And that's something that turns into a committed
09:51AM 2 relationship, right?

09:51AM 3 A. Correct.

09:51AM 4 Q. And it's something that lasts for a couple of years,
09:51AM 5 correct?

09:51AM 6 A. From my knowledge, five years.

09:51AM 7 Q. Yeah. So five years is pretty long period of time?

09:51AM 8 A. Correct.

09:51AM 9 Q. And they were committed together, correct?

09:51AM 10 A. They were engaged, I believe.

09:51AM 11 Q. Um-hum. Things didn't work out in the engagement but it
09:51AM 12 was something where, you know, they would see each other a
09:51AM 13 lot during that time period, correct?

09:51AM 14 A. Correct.

09:51AM 15 Q. And during that same time period, you also get into a
09:51AM 16 relationship with another lady, correct?

09:51AM 17 A. Correct.

09:51AM 18 Q. And, so, was it a committed relationship?

09:51AM 19 A. It was.

09:51AM 20 Q. And I'm assuming that you probably would spend a lot of
09:52AM 21 time with the person that you're in that relationship with,
09:52AM 22 correct?

09:52AM 23 A. She had kids, and I had kids. So it wasn't, we worked it
09:52AM 24 out. There was, our children first, and then when we had
09:52AM 25 time we would spend time together.

09:52AM 1 Q. Um-hum. So I think probably your priorities was children
09:52AM 2 first, right?

09:52AM 3 A. Correct.

09:52AM 4 Q. I think everyone understands that, right?

09:52AM 5 A. Yes, sir.

09:52AM 6 Q. Then the next was your relationship with the woman that
09:52AM 7 you're dating, correct?

09:52AM 8 A. If there was free time, yes.

09:52AM 9 Q. Then you had work kind of spattered in there?

09:52AM 10 A. Work was an obligation, biggest obligation, yes.

09:52AM 11 Q. And at that point, your children are how old?

09:52AM 12 A. What was the time?

09:52AM 13 Q. Later 2000s.

09:52AM 14 A. Later 2000s, they were born -- they were pre teens, '92
09:52AM 15 and '96, so --

09:52AM 16 Q. So they're involved in school sports and school
09:52AM 17 activities?

09:52AM 18 A. Yes. But I was still very close with my children and I
09:52AM 19 saw them on a regular basis.

09:52AM 20 Q. I don't doubt that at all. What I'm getting at is it
09:52AM 21 a -- a pretty busy time in your life with your kids at that
09:52AM 22 point, right?

09:52AM 23 A. Yes, sir.

09:52AM 24 Q. I mean, to be committed parent with teenagers who were
09:53AM 25 involved in activities -- your kids were involved in

09:53AM 1 activities, right?

09:53AM 2 A. Yes.

09:53AM 3 Q. It takes a lot of work, right?

09:53AM 4 A. It did, yes.

09:53AM 5 Q. And so after you had that time left over you tried to
09:53AM 6 devote some time to the relationship that you were in with
09:53AM 7 your significant other, right?

09:53AM 8 A. Yes.

09:53AM 9 Q. And then if there was time left over after of all that,
09:53AM 10 that's when maybe you hang out with your friends, right?

09:53AM 11 A. Yes. When there was free time, yes.

09:53AM 12 Q. So, again, during that time period, where he's in a
09:53AM 13 relationship and you're in a relationship, you guys have
09:53AM 14 kids, same things going on, it's not like you guys are
09:53AM 15 hanging out every single day, right?

09:53AM 16 A. No, but we kept in contact though. We still
09:53AM 17 communicated.

09:53AM 18 Q. I don't doubt that. I don't doubt that, but it's not
09:53AM 19 like you were hang out like teenagers, right?

09:53AM 20 A. Not like teenagers, but we would still get together.

09:53AM 21 Q. Not like you were hanging out in your 20s either, right?
09:53AM 22 Where you're not in a relationship, right?

09:53AM 23 A. It was a different time, no.

09:53AM 24 Q. So you had mentioned that at some point in time after
09:53AM 25 that five year relationship that Joe was in, with Melissa,

09:53AM 1 things end, correct?

09:53AM 2 A. Correct.

09:54AM 3 Q. And you had mentioned that somewhere around 2009 or 2010,

09:54AM 4 he starts up another relationship with his current wife

09:54AM 5 Lindsay, correct?

09:54AM 6 A. Correct.

09:54AM 7 Q. And the two of them met because Lindsay was a tenant in

09:54AM 8 the 221 Lovering property; is that right?

09:54AM 9 A. That's correct.

09:54AM 10 Q. And she had moved in there after Joe's parents had moved

09:54AM 11 out of there, correct?

09:54AM 12 A. That's correct.

09:54AM 13 Q. After Joe had purchased the house from his parents?

09:54AM 14 A. I believe so. Yes.

09:54AM 15 Q. Okay. And, so, over time, their relationship blossoms,

09:54AM 16 correct?

09:54AM 17 A. Correct.

09:54AM 18 Q. And they decide to move in together, correct?

09:54AM 19 A. Correct.

09:54AM 20 Q. And Joe's involved in that relationship just as much as

09:54AM 21 he was in any of his other relationships, right?

09:54AM 22 A. Yes.

09:54AM 23 Q. He has also got a kid at the time, correct? Chelsea?

09:54AM 24 A. Correct, he still has his daughter, yes.

09:54AM 25 Q. And he's helping raise her, correct?

09:54AM

1 A. Yes.

09:54AM

2 Q. And Lindsay, she also has a child in relationship,

09:54AM

3 correct?

09:55AM

4 A. Yes.

09:55AM

5 Q. And you mentioned on your direct testimony yesterday that

09:55AM

6 Joe's also helping out with helping raise that child,

09:55AM

7 correct?

09:55AM

8 A. Yes.

09:55AM

9 Q. So, lot of things going on in his life, correct?

09:55AM

10 A. Yes.

09:55AM

11 Q. Things are going on in your life, correct?

09:55AM

12 A. Correct.

09:55AM

13 Q. And again it's a situation where you guys would see each

09:55AM

14 other, right?

09:55AM

15 A. Yes.

09:55AM

16 Q. You guys would speak on the phone?

09:55AM

17 A. Yes.

09:55AM

18 Q. But we're not talking about like it was back in the

09:55AM

19 teenage days, right?

09:55AM

20 A. No.

09:55AM

21 Q. Not talking about the 20's single days either, correct?

09:55AM

22 A. No.

09:55AM

23 Q. So you mentioned that you would sometimes get together

09:55AM

24 for drinks at bars, right?

09:55AM

25 A. Yes.

09:55AM 1 Q. Catch up, that kind of thing?

09:55AM 2 A. Yes.

09:55AM 3 Q. You mentioned that you guys would get together for

09:55AM 4 special events, right?

09:55AM 5 A. Yes.

09:55AM 6 Q. So you mentioned the wedding in Cabo San Lucas?

09:55AM 7 A. It was later. Not during the time frame I think you were

09:56AM 8 describing, correct me if I am wrong, but, yes, later, yes.

09:56AM 9 Q. It's later, 2015, right?

09:56AM 10 A. Yes.

09:56AM 11 Q. So that's one of those special occasions you had

09:56AM 12 mentioned that you had a benefit after you had a heart attack

09:56AM 13 and heart surgery, correct?

09:56AM 14 A. I had open-heart surgery.

09:56AM 15 Q. And you mentioned about the benefit that's happening in

09:56AM 16 July of 2017, right?

09:56AM 17 A. Yes.

09:56AM 18 Q. And that was another example of you and Joe getting

09:56AM 19 together for another type of special event, correct?

09:56AM 20 A. Correct.

09:56AM 21 Q. You showed a picture -- sorry, the government showed a

09:56AM 22 picture yesterday when you graduated from the Sheriff's

09:56AM 23 Office academy. Remember that?

09:56AM 24 A. Correct.

09:56AM 25 Q. And so that there was a picture of you, Joe, and a

09:56AM 1 gentleman by the name of Vic Sorrento?

09:56AM 2 A. Correct.

09:56AM 3 Q. And Vic was another one of your good friends, kind of

09:56AM 4 goes back a ways, right?

09:56AM 5 A. Correct.

09:56AM 6 Q. And, that's an example of a special event where you guys

09:56AM 7 got together, right?

09:56AM 8 A. Yes.

09:56AM 9 Q. So, you guys would catch up in those kind of situations,

09:56AM 10 catch up at bars, also talk on the phone, correct?

09:56AM 11 A. Correct.

09:56AM 12 Q. And as far as the phone periods and contacts and stuff

09:57AM 13 like that, you guys spoke on a pretty regular basis, right?

09:57AM 14 A. On a regular basis, yes.

09:57AM 15 Q. This was using your personal cell phone, correct?

09:57AM 16 A. Correct.

09:57AM 17 Q. So the one that we were talking about yesterday, that you

09:57AM 18 had all the contacts listed in, that HSI seized from you

09:57AM 19 during the search?

09:57AM 20 A. Correct. It was my 716-903 number -- 1654 at the time.

09:57AM 21 Q. Um-hum, that 1654 number is something you maintained for

09:57AM 22 a very long time, up until 2019, right?

09:57AM 23 A. For a very long time.

09:57AM 24 Q. And that's the number that you would converse with with

09:57AM 25 Mr. Bongiovanni on his cell phone, correct?

09:57AM 1 A. Correct.

09:57AM 2 Q. And his cell phone that you called him on that was his
09:57AM 3 DEA-issued cell phone, right?

09:57AM 4 A. Correct.

09:57AM 5 Q. And you guys would have these contacts over the phone,
09:57AM 6 correct?

09:57AM 7 A. Correct.

09:57AM 8 Q. I mean, we've been through the records, like there are a
09:57AM 9 lot of contacts, right?

09:57AM 10 A. Yes.

09:57AM 11 Q. I mean, we're talking about dozens and dozens of calls,
09:57AM 12 every single year, correct?

09:58AM 13 A. Correct.

09:58AM 14 Q. Sometimes dozens and dozens of calls every single month,
09:58AM 15 correct?

09:58AM 16 A. Yes.

09:58AM 17 Q. But there are also periods of time where you two don't
09:58AM 18 have a lot of contact, right?

09:58AM 19 A. There were times, yes.

09:58AM 20 Q. Yeah. So, like, in June of 2014, May and June of 2014,
09:58AM 21 do you remember how you guys didn't speak as often back then?

09:58AM 22 A. We still spoke.

09:58AM 23 Q. Do you remember how you two got into a little bit of an
09:58AM 24 argument over something you were doing with one of your
09:58AM 25 friends' wives?

09:58AM 1 A. I don't recall that.

09:58AM 2 Q. Don't recall anything about how you and Joe got into an
09:58AM 3 argument about the fact that you were carrying on an affair
09:58AM 4 with Gary Quatrani's wife?

09:58AM 5 A. I wasn't carrying on an affair.

09:58AM 6 Q. You weren't carrying on an affair?

09:58AM 7 A. No, we were friends, I've known her my whole life.

09:58AM 8 Q. Do you remember any point in time when Mr. Bongiovanni
09:58AM 9 stopped talking to you for several weeks during that May to
09:58AM 10 June 2014 time period because of what he felt was untoward
09:59AM 11 conduct by you?

09:59AM 12 A. No. No, I was in Florida with my daughter and he was
09:59AM 13 down there with Lindsay at that time. And her name is Kim,
09:59AM 14 she was down there with her friend and we all together, so
09:59AM 15 no.

09:59AM 16 Q. You don't recall any point in time where you guys just
09:59AM 17 stopped speaking on the phone?

09:59AM 18 A. I don't, no.

09:59AM 19 Q. You don't recall that at all?

09:59AM 20 A. No. We never had an argument.

09:59AM 21 Q. You never had any arguments?

09:59AM 22 A. Not over this.

09:59AM 23 Q. So there were no drop offs in calls between you and
09:59AM 24 Mr. Bongiovanni between May and June of 2014?

09:59AM 25 A. No.

09:59AM 1 Q. Okay. Part of this conspiracy that you spoke of was that
09:59AM 2 during the course of it, you and Mr. Bongiovanni would have
09:59AM 3 to have contact, right?

09:59AM 4 A. Yes.

09:59AM 5 Q. And part of that contact was to ensure that you were
09:59AM 6 being kept up to date on any type of investigations or
09:59AM 7 problems that may exist with regard to law enforcement,
09:59AM 8 right?

09:59AM 9 A. Correct.

10:00AM 10 Q. And another reason you guys had to stay in contact was
10:00AM 11 you were the point person for the information, right?

10:00AM 12 A. Correct.

10:00AM 13 Q. So if Ron Serio or Mike Masecchia had anybody who, hey,
10:00AM 14 had concerns about, they'd go to you to ask Joseph
10:00AM 15 Bongiovanni about it?

10:00AM 16 A. It would go from Ron to Mike to me, yes.

10:00AM 17 Q. And then if they had anybody who they wanted checked out,
10:00AM 18 they'd go to you, to find out from Mr. Bongiovanni whether
10:00AM 19 there were any issues, right?

10:00AM 20 A. Correct.

10:00AM 21 Q. And you'd agree with me that having that type of regular
10:00AM 22 contact was something that facilitated the information
10:00AM 23 sharing, right?

10:00AM 24 A. Yes.

10:00AM 25 Q. Like if you guys don't talk, for an extended period of

1 time, there's no information going back and forth, right?

2 A. Correct.

3 Q. And that would create a potential threat to the

4 organization, right?

5 A. Can you repeat that?

6 Q. Sure. If you two are not talking, you and

7 Mr. Bongiovanni, for a long period of time, that would create

8 a threat to the organization, correct?

9 **MR. TRIPI:** Objection, assumes facts not in evidence.

10 He answered no to those questions so now he's assuming the

11 fact is true and asking him the question.

12 **THE COURT:** No, overruled. I'll allow it.

13 **THE WITNESS:** No.

14 **BY MR. SINGER:**

15 Q. No, so?

16 A. The answer is no.

17 Q. So the answer is, if you two don't have contact for a

18 long period of time, and you don't share information, the

19 organization's not at threat?

20 **MR. TRIPI:** Objection, it's a hypothetical to a fact

21 witness. It's improper, Your Honor.

22 **THE COURT:** Yeah, I think, Mr. Singer --

23 **MR. SINGER:** I'm asking him, Judge, he's part of the

24 organization and I'm asking if he doesn't have regular contact

25 with Mr. Bongiovanni, does that threaten the organization,

1 it's a direct question of a coconspirator.

2 **MR. TRIPI:** It's also a hypothetical.

3 **THE COURT:** I will allow it, yes.

4 **THE WITNESS:** No. If there was a specific situation,
5 I would reach out. No.

6 **BY MR. SINGER:**

7 Q. Well you talked yesterday, sir, about how you would keep
8 in contact regularly with Mr. Bongiovanni?

9 A. And I would.

10 Q. At least once a month, right?

11 A. Yes.

12 Q. At least once a month you would meet and talk, right?

13 A. That's correct.

14 Q. And the purpose of that was to protect the organization,
15 right?

16 A. That's correct.

17 Q. To share information, correct?

18 A. That's correct.

19 Q. To find out information, correct?

20 A. Correct.

21 Q. So if you guys don't speak for a long period of time,
22 that's not happening, right?

23 A. Correct.

24 Q. And that's a problem for the organization, correct?

25 A. Yes, but we spoke once a month.

10:02AM 1 Q. Okay.

10:02AM 2 A. Like I said.

10:02AM 3 Q. But you don't remember any drop off in May and June of

10:02AM 4 2014?

10:02AM 5 A. I don't, no.

10:02AM 6 Q. Okay. All right. So, as far as other points in time,

10:02AM 7 you talked about, are you aware of the fact that there's a

10:02AM 8 drop off in calls between you and Mr. Bongiovanni in March

10:02AM 9 and April of 2015?

10:02AM 10 A. I, I'm not, I don't recall that.

10:02AM 11 Q. Well, you do recall attending Mr. Bongiovanni's wedding,

10:02AM 12 correct?

10:02AM 13 A. Correct.

10:02AM 14 Q. And his wedding occurred in February of 2015, correct?

10:02AM 15 A. That's correct.

10:02AM 16 Q. And after the wedding, you go home to Buffalo from Cabo,

10:02AM 17 correct?

10:02AM 18 A. Correct.

10:02AM 19 Q. But he spends some period of time with Lindsay, correct?

10:03AM 20 A. I believe so, yes.

10:03AM 21 Q. And your phone records indicate a drop off in calls

10:03AM 22 during that time period, correct?

10:03AM 23 A. I don't recall looking at that -- at that timeframe, I

10:03AM 24 don't recall. But we still kept in touch.

10:03AM 25 Q. Okay. So you would agree with me that if you have a drop

10:03AM 1 off in calls during that time period, there's gonna be less
10:03AM 2 information shared between both of you, correct?
10:03AM 3 A. No.
10:03AM 4 Q. No?
10:03AM 5 A. I would stop over. Still reach out to him. Let him know
10:03AM 6 I want to get together.
10:03AM 7 Q. So you would still reach out to him every now and then?
10:03AM 8 A. Yes. If we didn't speak all the time, I'd take a ride
10:03AM 9 over sometime.
10:03AM 10 Q. Would you use those burners that you were talking about,
10:03AM 11 sir?
10:03AM 12 A. I did not use a burner, no.
10:03AM 13 Q. You never used a burner with Mr. Bongiovanni?
10:03AM 14 A. No, I had my phone, no.
10:03AM 15 Q. Because you testified yesterday that in addition to the
10:03AM 16 phones that were just talking about, your number that you had
10:03AM 17 for many years, Mr. Bongiovanni's DEA cell phone that he had
10:03AM 18 for many years, you also would use burner telephones to
10:04AM 19 communicate?
10:04AM 20 A. I did not use them. I said Mr. Masecchia and Mr. Serio
10:04AM 21 had burner phones. I did not have a burner phone.
10:04AM 22 Q. So Mr. Bongiovanni never communicated with you with a
10:04AM 23 burner phone?
10:04AM 24 A. No.
10:04AM 25 Q. And Mr. Bongiovanni didn't possess a burner phone?

10:04AM 1 A. Not to my knowledge. No.

10:04AM 2 Q. Okay. So, as far as your communication, it would have to

10:04AM 3 be just on the two phones we're talking about, right?

10:04AM 4 A. Yes.

10:04AM 5 Q. These open public phones, correct?

10:04AM 6 A. Correct.

10:04AM 7 Q. So, in 2017, in the spring, you start to have your heart

10:04AM 8 issues, correct?

10:04AM 9 A. That's correct.

10:04AM 10 Q. And eventually, it leads to you having open-heart

10:04AM 11 surgery, correct?

10:04AM 12 A. Correct.

10:04AM 13 Q. And this is something that was kind of emergent, right?

10:04AM 14 A. Yes.

10:04AM 15 Q. How long did you spend in the hospital?

10:04AM 16 A. I was in the hospital, I had to go two different times.

10:05AM 17 The first time it was a week. And then I had to go back two

10:05AM 18 weeks later for another week. So, it was quite a long time

10:05AM 19 of rehabilitation.

10:05AM 20 Q. Yeah, we're talking about in the April, May, 2017 time

10:05AM 21 period, correct?

10:05AM 22 A. Yes.

10:05AM 23 Q. And I'm sure Joe being a good friend of yours,

10:05AM 24 Mr. Bongiovanni reached out to you on that time period?

10:05AM 25 A. Yes, sir.

10:05AM 1 Q. And you guys were in pretty frequent contact during that
10:05AM 2 period of time, correct?
10:05AM 3 A. Yes.
10:05AM 4 Q. He was checking in on you about your health, correct?
10:05AM 5 A. Yes.
10:05AM 6 Q. He visited you in the hospital I think you mentioned
10:05AM 7 yesterday?
10:05AM 8 A. Yes.
10:05AM 9 Q. On a couple different occasions, correct?
10:05AM 10 A. I believe so, yes.
10:05AM 11 Q. And after you get discharged from the hospital, you have
10:05AM 12 a lot of medical expenses to pay, right?
10:05AM 13 A. That's correct.
10:05AM 14 Q. So one of the things that Joe did for you is that he
10:05AM 15 helped organize a benefit for you, correct?
10:05AM 16 A. That's correct.
10:05AM 17 Q. That benefit you mentioned was at the Knights of
10:05AM 18 Columbus, correct?
10:05AM 19 A. It was.
10:05AM 20 Q. The Knights of Columbus in Kenmore?
10:06AM 21 A. It's on Kenmore Avenue, yes.
10:06AM 22 Q. So kind of like the stag parties that we'll get into a
10:06AM 23 little bit later, the purpose of this benefit is to help
10:06AM 24 defray some of the costs of the hospital?
10:06AM 25 A. That's correct.

10:06AM 1 Q. Because at that time that you were ill, and you had heart
10:06AM 2 issues going on, you weren't working as regularly as you once
10:06AM 3 did, correct?

10:06AM 4 A. No, I was on disability from work.

10:06AM 5 Q. And you were in financial distress as a result of that?

10:06AM 6 A. Correct.

10:06AM 7 Q. And so many of the people who you knew decided to pitch
10:06AM 8 in and help, correct?

10:06AM 9 A. Correct.

10:06AM 10 Q. So, Mr. Bongiovanni put together this benefit for you at
10:06AM 11 the Knights of Columbus, right?

10:06AM 12 A. That's correct.

10:06AM 13 Q. Helped organize things?

10:06AM 14 A. Yes.

10:06AM 15 Q. And there were dozens of people that showed up for this,
10:06AM 16 correct?

10:06AM 17 A. Yes.

10:06AM 18 Q. There were other people who couldn't make it, but they
10:06AM 19 bought tickets, correct?

10:06AM 20 A. That's correct.

10:06AM 21 Q. Or they made some type of donation to you, correct?

10:06AM 22 A. That's correct.

10:06AM 23 Q. And that was something that helped you out, right?

10:06AM 24 A. Yes.

10:06AM 25 Q. I think you mentioned yesterday that there was a ledger

1 or a book that mentioned three names of people who you had to
2 send thank yous to?

3 A. People had given me tickets that they were paid by these
4 individuals. And I just wanted to mark it down.

5 Q. And you talked about how Mike Masecchia was present at
6 this particular benefit, right?

7 A. He was.

8 Q. You mentioned that you recall that Mr. Bongiovanni and
9 Mike Masecchia worked the front door area along with your
10 daughter?

11 A. My daughter and her friends, there was quite a few people
12 there, yes.

13 Q. So this is kind of collective effort to allow people in
14 and stuff like that?

15 A. Yes.

16 Q. But there wasn't any type of coordination between Joseph
17 Bongiovanni and Mike Masecchia to make this happen, right?

18 A. Well, they spoke.

19 Q. Yeah, but I guess what I'm getting at is Mr. Bongiovanni
20 was the one who helped organize this, right?

21 A. Yes.

22 Q. Mr. Masecchia was there to help out in that front door
23 area?

24 A. He was organizing it too, behind the scenes. He was I
25 believe selling tickets for it, helping out.

10:08AM 1 Q. Selling tickets and that kind of thing, right?

10:08AM 2 A. Yeah. And then.

10:08AM 3 Q. He wasn't the person who was booking the space, right?

10:08AM 4 A. No. I don't recall who did that.

10:08AM 5 Q. He wasn't the person that was arranging for food or

10:08AM 6 anything like that, right?

10:08AM 7 A. Mr. Masecchia?

10:08AM 8 Q. Yeah.

10:08AM 9 A. I -- I don't remember who did that. I don't recall.

10:08AM 10 Q. Yeah, I mean Joe was the point person on this, right?

10:08AM 11 A. Yes.

10:08AM 12 Q. And you remember that the Knights of Columbus, that's

10:08AM 13 un-air-conditioned space?

10:08AM 14 A. Yes.

10:08AM 15 Q. And it was a summertime, right?

10:08AM 16 A. Yes.

10:08AM 17 Q. A lot of people were coming to this, correct?

10:08AM 18 A. Correct.

10:08AM 19 Q. And one of the points of contention between you and

10:08AM 20 Mr. Bongiovanni was he wanted to get it into an air

10:08AM 21 conditioned space, right?

10:08AM 22 A. Yes, it was. I remember it was very warm, yes.

10:08AM 23 Q. Because he felt like the people who were attending would

10:08AM 24 be more comfortable, right?

10:08AM 25 A. That's correct.

10:08AM 1 Q. But you wanted it at the Knights of Columbus, right?

10:08AM 2 A. Yes. It was the most logical spot at that time. Yes.

10:08AM 3 Q. So you two had a disagreement about that, right?

10:09AM 4 A. It wasn't a disagreement. We just --

10:09AM 5 Q. Okay.

10:09AM 6 A. -- chose the Knights of Columbus.

10:09AM 7 Q. Okay. And then after the benefit, money was raised for

10:09AM 8 you, correct?

10:09AM 9 A. Correct.

10:09AM 10 Q. And then I think you took an extended leave of absence,

10:09AM 11 right, from your job? To recover?

10:09AM 12 A. Now I was still, I still had issues going on, my doctor

10:09AM 13 did not release me.

10:09AM 14 Q. Yeah, that's what I'm getting at?

10:09AM 15 A. Yes.

10:09AM 16 Q. You weren't 100 percent back to normal after this

10:09AM 17 benefit, right?

10:09AM 18 A. No.

10:09AM 19 Q. There's still a lot of rehab and recovery entailed in

10:09AM 20 that, right?

10:09AM 21 A. Yes, cardiac rehab and exercise, yes.

10:09AM 22 Q. There's a period of time where you were doing that rehab

10:09AM 23 outside the Buffalo area?

10:09AM 24 A. What do you mean, outside the Buffalo area?

10:09AM 25 Q. Traveling around, getting out of town sometimes to help

10:09AM 1 recuperate?

10:09AM 2 A. No, I would do all my recuperation in Buffalo. I would

10:09AM 3 walk the park. Start exercising as much as I can. I went to

10:10AM 4 cardiac rehab. I followed the protocol they set.

10:10AM 5 Q. You were working hard on all that recovery?

10:10AM 6 A. Yeah, I was trying to get back to normal.

10:10AM 7 Q. And that was your main focus at that point in time?

10:10AM 8 A. It was, I mean, it was a life-changing event, yes.

10:10AM 9 Q. And after that benefit, there's a drop off in calls

10:10AM 10 between you and Mr. Bongiovanni again, correct?

10:10AM 11 A. No, we always kept in communication.

10:10AM 12 Q. Always kept in communication?

10:10AM 13 A. Kept in communication with a lot of people. Actually

10:10AM 14 even more, because people were concerned and following up,

10:10AM 15 how things were going.

10:10AM 16 Q. So you're saying today that you and Mr. Bongiovanni

10:10AM 17 communicated more after the benefit than you did before?

10:10AM 18 A. The way I remember it, yes. I mean, more frequent.

10:10AM 19 Q. So, when was it, that you remember talking to

10:10AM 20 Mr. Bongiovanni more frequently?

10:11AM 21 A. During that period as I got stronger, got back on my feet

10:11AM 22 and got able to get back to work.

10:11AM 23 Q. So you think after you got back on your feet is when you

10:11AM 24 guys started to communicate a little bit more?

10:11AM 25 A. We were communicating the whole time, but as I got

10:11AM 1 stronger then yes, there would be more communication.

10:11AM 2 Q. Okay. And, so, did you guys communicate with the same

10:11AM 3 type of frequency kind of moving through 2018 into 2019?

10:11AM 4 A. Yes. It was regular, yes.

10:11AM 5 Q. You guys would still get together, right?

10:11AM 6 A. Yes.

10:11AM 7 Q. Whether it was for special occasions, like we saw

10:11AM 8 yesterday, you guys are wishing each other a happy

10:11AM 9 Thanksgiving, right?

10:11AM 10 A. That's correct.

10:11AM 11 Q. And sometimes you get out to bars when Joe's wife was

10:11AM 12 working or out with her girlfriends, right?

10:11AM 13 A. Correct. Yes.

10:11AM 14 Q. Sometimes used meet up with other people and there's

10:12AM 15 different events happened, right?

10:12AM 16 A. That's correct.

10:12AM 17 Q. You guys would talk on the phone, correct?

10:12AM 18 A. Correct.

10:12AM 19 Q. As far as leading through to 2019, you got pretty busy in

10:12AM 20 2019, right?

10:12AM 21 A. Yes.

10:12AM 22 Q. So, you mentioned that you trained to become a sheriff in

10:12AM 23 the winter and fall, early spring of 2019?

10:12AM 24 A. Yes.

10:12AM 25 Q. And you mentioned that you started up at the academy in

10:12AM 1 March; is that right?

10:12AM 2 A. That's correct.

10:12AM 3 Q. And when did you graduate again?

10:12AM 4 A. The end of May of 2019.

10:12AM 5 Q. And that's something that takes a lot of time to do,

10:12AM 6 right?

10:12AM 7 A. It did.

10:12AM 8 Q. That was the focus for you?

10:12AM 9 A. Yes, sir.

10:12AM 10 Q. And you talked yesterday about how Mr. Bongiovanni, he

10:12AM 11 also was sheriff back in the early or later '90s, correct?

10:12AM 12 A. Correct.

10:12AM 13 Q. So he went through the same process as you were going

10:12AM 14 through at that point in time?

10:12AM 15 A. Yes. I believe it's the academy was a little bit

10:12AM 16 different back then, but --

10:12AM 17 Q. Same kind of shared experience, right?

10:12AM 18 A. Same experience, yes.

10:13AM 19 Q. That's one of the reasons you reached out to him and

10:13AM 20 said, hey, Joe, can you help me study?

10:13AM 21 A. Correct.

10:13AM 22 Q. That's one of the reasons why it offered an opportunity

10:13AM 23 for you to sit down and go through the books, right?

10:13AM 24 A. Yes.

10:13AM 25 Q. Go through the regulations?

10:13AM 1 A. Yes.

10:13AM 2 Q. Make sure you're prepared to take your exam and pass,

10:13AM 3 right?

10:13AM 4 A. Correct.

10:13AM 5 Q. Because you knew how difficult it was for you over the

10:13AM 6 previous year recovering from your heart condition, right?

10:13AM 7 A. Yes.

10:13AM 8 Q. And he wanted to see you get back on your feet, right?

10:13AM 9 A. Yes.

10:13AM 10 Q. And with regard to the calls, we talked a little bit

10:13AM 11 earlier, but you said, yesterday, that the rule was you and

10:13AM 12 Joe didn't talk narcotics business over the phone, right?

10:13AM 13 A. No.

10:13AM 14 Q. So, you wouldn't have extended conversations on those

10:13AM 15 telephones you used about what was happening, right?

10:13AM 16 A. No.

10:13AM 17 Q. So, safe to assume that if there's calls of a longer

10:14AM 18 duration on the phone with you, and him, they're not talking

10:14AM 19 about things involving Ron Serio, right?

10:14AM 20 A. No.

10:14AM 21 Q. Not talking about things involving Mike Masecchia, right?

10:14AM 22 A. No.

10:14AM 23 Q. Those type of conversations are ones that you would only

10:14AM 24 have in person face to face?

10:14AM 25 A. Yes, it was a brief conversation, let's get together.

10:14AM 1 Q. And you guys are pretty steadfast with that, that was the
10:14AM 2 rule, correct?

10:14AM 3 A. Yes.

10:14AM 4 Q. And that was operational security for you, correct?

10:14AM 5 A. Yes.

10:14AM 6 Q. It was operational security for him, correct?

10:14AM 7 A. Yes. Yes.

10:14AM 8 Q. That was operation at security for the greater Serio
10:14AM 9 organization, correct?

10:14AM 10 A. That's correct.

10:14AM 11 Q. So you mentioned that yesterday, you got a bottle of
10:14AM 12 Crown Royal for your 55th birthday, right?

10:14AM 13 A. Correct.

10:14AM 14 Q. You talked about how that was something that was odd to
10:14AM 15 you, the way it was delivered, right?

10:14AM 16 A. Yes. Because it was just left with a note. Yes.

10:15AM 17 Q. But that was not something that was out of the ordinary
10:15AM 18 for you two to exchange bottles like that on special
10:15AM 19 occasions?

10:15AM 20 A. That's why I thought it was odd because in the past it
10:15AM 21 would be in person. This was not. And this was after
10:15AM 22 everything had just happened. So, it was left there. So
10:15AM 23 that was the odd part to you, not the exchange of the bottle,
10:15AM 24 or the note on the bottle, what made it odd after we had
10:15AM 25 spoken about the bottle was he said he noticed the camera

10:15AM 1 that was at my house and that made it odd.

10:15AM 2 Q. Okay. But, he dropped off the bottle nonetheless, right?

10:15AM 3 A. He left it on my doorstep. And then I saw him at the
10:15AM 4 post office on Hertel.

10:15AM 5 Q. So, let's break that down a little bit. Based on your
10:15AM 6 testimony, you say that prior to dropping off this bottle,
10:15AM 7 Mr. Bongiovanni was aware that somebody had hung a camera
10:15AM 8 outside your house, right?

10:15AM 9 A. He made an comment about it when I saw him at the post
10:16AM 10 office, yes.

10:16AM 11 Q. Um-hum and that was before you got the bottle, right?

10:16AM 12 A. He said he just stopped by my house.

10:16AM 13 Q. Yeah?

10:16AM 14 A. Then when I got to my house, I saw the bottle, but he
10:16AM 15 made the camera before I knew the bottle was there.

10:16AM 16 Q. So he saw the camera before the bottle?

10:16AM 17 A. Yes. Before I saw the bottle.

10:16AM 18 Q. But he still dropped it off, right?

10:16AM 19 A. Yes. He dropped it off on my doorstep, yes.

10:16AM 20 Q. So, kind of getting back to things, as far as your living
10:16AM 21 situation was concerned, we talked about that, but as far as
10:16AM 22 your employment situation, what type of jobs did you have?

10:16AM 23 A. I've been in sales, I've been in the wireless business
10:16AM 24 most of my career. And I bartended as a second job.

10:16AM 25 Q. You bartended sometimes?

1 A. Yes, sir.

2 Q. There was a period of time where I think you got a
3 settlement, right?

4 A. Yes, for a work jury that I had, yes.

5 Q. And I think you tried to get together some type of
6 collections business, right?

7 A. It was for a short period, but it failed.

8 Q. That was something you used some of your settlement funds
9 to put together?

10 A. I did. Yes.

11 Q. And as far as these jobs, were these jobs that you
12 maintained for really long periods of time? Did you work at
13 that one particular company with the cell business for ten or
14 15 years?

15 A. When I originally started the business, I worked for
16 NYNEX from is Verizon today, for eight years and then in Las
17 Vegas I took a position with a company which is AT&T. The
18 only reason I left that position was because my wife and I at
19 the time thought it would be beneficial to come become to
20 Buffalo, we were having issues in our marriage and that was
21 not a good environment with our children so we made the
22 decision to come back to Buffalo, but I was in the wireless
23 business for quite a long time.

24 Q. As far as the narcotics business you were talking about
25 that you were involved in, that was something you got

10:17AM 1 involved in because it helped solve some financial problems

10:17AM 2 for you, right?

10:17AM 3 A. That's correct.

10:17AM 4 Q. So at the time you approached Mike Masecchia about

10:17AM 5 getting involved in his grow operations, that was something

10:17AM 6 that you did as a result of coming out of a bankruptcy,

10:18AM 7 right?

10:18AM 8 A. That's correct.

10:18AM 9 Q. And having trouble securing employment, that paid the

10:18AM 10 bills, correct?

10:18AM 11 A. I was working, but I had obligations with my kids. I

10:18AM 12 they had medical issues, they had dental issues, there were

10:18AM 13 braces. There were a lot of obligations and I was

10:18AM 14 overwhelmed.

10:18AM 15 Q. There were a lot of obligations, a lot of financial

10:18AM 16 obligations?

10:18AM 17 A. Yes.

10:18AM 18 Q. A lot of issues going on, right?

10:18AM 19 A. Yes.

10:18AM 20 Q. And that's why you got involved, right?

10:18AM 21 A. Yes.

10:18AM 22 Q. Because it's something that helped support your kids,

10:18AM 23 right?

10:18AM 24 A. Correct.

10:18AM 25 Q. Something that helped you support yourself, right?

1 A. Not really myself. The additional expenses, my job and
2 tending bar was sufficient for that. But I had a lot of
3 obligations, like I said that were coming up with my
4 children.

5 Q. All right. So, I want to talk a little bit about Italian
6 Organized Crime.

7 So, you mentioned a couple of older guys, one of those
8 was Joe Todaro Sr.; do you remember that?

9 A. Yes.

10 Q. And he was somebody who based on what you heard in the
11 neighborhood was someone who was the Boss of IOC in Buffalo?

12 A. Yes, like I said just allegedly. Things that you hear.

13 Q. But you've never had a sit down conversation with Joe
14 Todaro Sr. saying, hey, are you the Boss?

15 A. No.

16 Q. Not like you had with Mike Masecchia, right?

17 A. It was a different conversation, yes. I never had a
18 conversation with Mr. Todaro Sr..

19 Q. Okay. Never had a conversation with him ever?

20 A. Just said hello.

21 Q. Okay.

22 A. I've never had a conversation with him, no.

23 Q. And that was it. And one of the reasons is why is
24 because when you're seeing him, he's what, 20 or 30 years
25 your senior?

10:19AM 1 A. Yes. It would always be like I said a cordial hello,
10:19AM 2 shake his hand and say hello, hi, how are you, that type of
10:19AM 3 thing.

10:19AM 4 Q. And you mentioned another guy, a Tommy Machelli, Tommy
10:20AM 5 Chooch; do you remember that?

10:20AM 6 A. Yes.

10:20AM 7 Q. He's another guy who's roughly the same age as Joe Todaro
10:20AM 8 Sr., correct?

10:20AM 9 A. Yes.

10:20AM 10 Q. So he's a guy who's older by what, 20, 30 years?

10:20AM 11 A. Yes.

10:20AM 12 Q. You mentioned another person, Joe Rosato?

10:20AM 13 A. Yes.

10:20AM 14 Q. And he's another guy who's like 20 or 30 years older than
10:20AM 15 you?

10:20AM 16 A. Yes. They were all my father's age.

10:20AM 17 Q. Yeah.

10:20AM 18 A. Yeah.

10:20AM 19 Q. I'm talking about your parents generation, right?

10:20AM 20 A. Yes.

10:20AM 21 Q. Joe Rosato, he died back in 2008, right?

10:20AM 22 A. Yes.

10:20AM 23 Q. John Catanzaro was another person you mentioned?

10:20AM 24 A. Yes.

10:20AM 25 Q. Another guy who was from your father's generation?

10:20AM 1 A. Yes.

10:20AM 2 Q. He's well older than you, right?

10:20AM 3 A. Yes.

10:20AM 4 Q. So he's like your parents friends or generation, right?

10:20AM 5 A. Yes.

10:20AM 6 Q. You mentioned Butchie Bifocals, correct?

10:20AM 7 A. Yes.

10:20AM 8 Q. He's another person who's well older than you?

10:20AM 9 A. Correct, yes.

10:20AM 10 Q. He's someone who died, correct?

10:20AM 11 A. Yes. Correct.

10:21AM 12 Q. Bart Mazzara Sr. is another person you mentioned?

10:21AM 13 A. Yes.

10:21AM 14 Q. He's another person who's way, way older than you,

10:21AM 15 correct?

10:21AM 16 A. He was, but I don't recall mentioning him yesterday.

10:21AM 17 Q. Okay.

10:21AM 18 A. But yes, I knew the gentleman, yes.

10:21AM 19 Q. Okay. He had some relation to Mike Masecchia, correct?

10:21AM 20 A. It was his father-in-law, correct.

10:21AM 21 Q. Yeah. So that's how it came up, right?

10:21AM 22 A. Yes.

10:21AM 23 Q. Okay. And he's someone who died back in 2003, correct?

10:21AM 24 A. Correct.

10:21AM 25 Q. So, bottom line is that all these guys that you talked

10:21AM 1 about who were in the neighborhood, we're talking about

10:21AM 2 observations you made back in the 1970s and 1980s, right?

10:21AM 3 A. Later than that, too. You know. As we went out, if you

10:21AM 4 run into them wherever you're at, yes.

10:21AM 5 Q. You talked about how you and Joe would sometimes converse

10:21AM 6 about these guys in the neighborhood, correct?

10:21AM 7 A. Yes.

10:21AM 8 Q. It was back in your 20s, when you're out, right?

10:21AM 9 A. 20s, late 20s, yes.

10:21AM 10 Q. Right?

10:21AM 11 A. Early 30s.

10:21AM 12 Q. So we're talking about 1980s, 1990's in some cases?

10:22AM 13 A. Correct.

10:22AM 14 Q. But none of these people that you two were talking about,

10:22AM 15 they're not contemporaries of yours, correct?

10:22AM 16 A. No.

10:22AM 17 Q. Yeah, we're talking about, like, their your parents

10:22AM 18 generation, right?

10:22AM 19 A. Yes.

10:22AM 20 Q. I mean you were children when these people were adults,

10:22AM 21 correct?

10:22AM 22 A. Correct.

10:22AM 23 Q. We're talking about conversations that you and Joe

10:22AM 24 allegedly had in some cases 30 or 40 years ago, right?

10:22AM 25 A. Yes.

10:22AM 1 Q. And you didn't really have a personal relationship with
10:22AM 2 any of these people we just went through, correct?

10:22AM 3 A. Any of these people --

10:22AM 4 Q. Yes?

10:22AM 5 A. -- you mentioned?

10:22AM 6 Q. Yes?

10:22AM 7 A. No, I did.

10:22AM 8 Q. Who did have a personal relationship with?

10:22AM 9 A. Mr. Machelli was a very close friend with our family, he
10:22AM 10 was actually a cousin of my grandmother's.

10:22AM 11 Q. So you had a personal relationship with him but as far as
10:22AM 12 the other persons -- I'm sorry.

10:22AM 13 A. He was a cousin of my grandmothers. They were from the
10:22AM 14 same town in Sicily.

10:22AM 15 Q. But as far as a personal relationship with other people,
10:22AM 16 like, you didn't have a personal relationship with them,
10:22AM 17 right?

10:22AM 18 A. Mr. Rosato, I knew pretty well.

10:23AM 19 Q. So you would see him, right?

10:23AM 20 A. I went to his daughter's wedding through an invitation
10:23AM 21 from him.

10:23AM 22 Q. So he was another person you had some type of a
10:23AM 23 relationship with, correct?

10:23AM 24 A. Yes. It was a cordial relationship, yes.

10:23AM 25 Q. So you'd see him out, right?

10:23AM 1 A. If I saw him, yes.

10:23AM 2 Q. Say hello, correct?

10:23AM 3 A. Yes. Always.

10:23AM 4 Q. You would shake his hand, correct?

10:23AM 5 A. Yes. Try to be a gentleman and shake his hand, yes.

10:23AM 6 Q. I'm sure, you probably -- you grew up in an Italian

10:23AM 7 neighborhood, back in the '70s and '80s, right?

10:23AM 8 A. Yes.

10:23AM 9 Q. And, so, you were probably taught as a young child to

10:23AM 10 when you see an adult, go look them in the eye and say hello,

10:23AM 11 right?

10:23AM 12 A. I was, yes.

10:23AM 13 Q. Go look them in the eye and go shake their hand, correct?

10:23AM 14 A. Correct.

10:23AM 15 Q. You probably had situations like with my parents where if

10:23AM 16 you didn't say hello to that one person your parents would

10:23AM 17 make a spectacle of that and correct you and say go say hello

10:23AM 18 to that person, right?

10:23AM 19 A. Yes.

10:23AM 20 Q. Because that's the way you were raised, right?

10:23AM 21 A. Yes.

10:23AM 22 Q. I'm sure as you progress out of your younger years and

10:24AM 23 teen years into your 20s, you're still saying those same

10:24AM 24 hellos to those same people, right?

10:24AM 25 A. Yes, as we grew older, they were growing older and you

10:24AM 1 run into them from time to time, yes, and say hello.

10:24AM 2 Q. So every now and then, you say, hi, Mr. Rosato, how are
10:24AM 3 you?

10:24AM 4 A. It would be a little more personal. You go up, shake his
10:24AM 5 hand, hi, how's everything, keep it moving, yes.

10:24AM 6 Q. That's what I'm getting is that you extend these
10:24AM 7 courtesies, because that's the way you're raised but it's not
10:24AM 8 like you're good, good friends with any of these guys, right?

10:24AM 9 A. No, like I mentioned Mr. Machelli had a close
10:24AM 10 relationship our family, I saw him more often, picnics,
10:24AM 11 Christmas parties.

10:24AM 12 Q. You see him at that kind of thing, but you wouldn't see
10:24AM 13 him elsewhere, right?

10:24AM 14 A. No, no, no.

10:24AM 15 Q. You wouldn't call him up on the phone and say, hey,
10:24AM 16 Mr. Machelli, let's go hang out on a Friday night?

10:24AM 17 A. He lived down the street from me in Rebecca Park.

10:24AM 18 Q. Yeah. But that's?

10:24AM 19 A. So I would see him more.

10:24AM 20 Q. So what I am getting at is you wouldn't call him up and
10:24AM 21 invite him out, right?

10:24AM 22 A. No.

10:24AM 23 Q. He wasn't that type of friend?

10:24AM 24 A. No.

10:24AM 25 Q. He was someone you knew?

10:24AM 1 A. Yes.

10:24AM 2 Q. But he wasn't a friend of yours, right?

10:25AM 3 A. He was more family.

10:25AM 4 Q. So, as far as -- as far as the opinion about these

10:25AM 5 particular people being involved in Italian Organized Crime a

10:25AM 6 lot of it was based on what you heard, right?

10:25AM 7 A. Yes.

10:25AM 8 Q. What other people said?

10:25AM 9 A. Yes.

10:25AM 10 Q. You said you mentioned you read newspapers, right?

10:25AM 11 A. Yes. It was a long time ago.

10:25AM 12 Q. Books?

10:25AM 13 A. Yes.

10:25AM 14 Q. Correct?

10:25AM 15 A. Yes.

10:25AM 16 Q. As far as like this club on Commonwealth and Lovering,

10:25AM 17 you had mentioned that you had heard that Mr. Bongiovanni's

10:25AM 18 father had played cards there, correct?

10:25AM 19 A. Yes.

10:25AM 20 Q. But as far as The Club, you were never inside The Club

10:25AM 21 when you were a child, right?

10:25AM 22 A. Not when I was child, no.

10:25AM 23 Q. Never inside The Club when you were a teenager, right?

10:25AM 24 A. No.

10:25AM 25 Q. I think you mentioned you went over to that club at some

10:25AM 1 point in time when you're an adult, correct?

10:25AM 2 A. Yes, I was briefly there. Yes.

10:25AM 3 Q. But that was really just to talk about, with Mr. Machelli

10:25AM 4 some situation going on with like the homeowners association?

10:26AM 5 A. That's correct, that's the only time.

10:26AM 6 Q. So you never sat down and played cards there?

10:26AM 7 A. No, not a card player.

10:26AM 8 Q. So, you really can't say with any definitive opinion

10:26AM 9 about what happened inside The Club because you weren't

10:26AM 10 there, right?

10:26AM 11 A. Well, the day I was there, the cards were being played.

10:26AM 12 Q. So you saw card playing going on there?

10:26AM 13 A. Yeah.

10:26AM 14 Q. But that wasn't the focus of your meeting. You didn't

10:26AM 15 sit down and play cards, right?

10:26AM 16 A. No, but I was there, for whatever it was, ten or 15

10:26AM 17 minutes on two different occasions, and there was always

10:26AM 18 cards being played.

10:26AM 19 Q. Okay?

10:26AM 20 A. So the assumption was that everyone played cards there.

10:26AM 21 Q. So based on those two different experiences, you said,

10:26AM 22 hey, this is where people play cards, right?

10:26AM 23 A. Correct. And things you've heard in the neighborhood,

10:26AM 24 too, where it was.

10:26AM 25 Q. And that's it?

10:26AM 1 A. Yeah. It was a spot known where older gentlemen played
10:26AM 2 cards.

10:26AM 3 Q. So as far as the deference that you say Mr. Bongiovanni
10:26AM 4 paid to some of these people, he was saying hello to them
10:26AM 5 just like you were, right?

10:26AM 6 A. Yes.

10:26AM 7 Q. 'Cuz he grew up in the same neighborhood you did, right?

10:26AM 8 A. Yes.

10:26AM 9 Q. His parents, like your parents, were friends with some of
10:27AM 10 these people, right?

10:27AM 11 A. Yes.

10:27AM 12 Q. His parents, like your parents, would see these people as
10:27AM 13 adults in the community, right?

10:27AM 14 A. Yes.

10:27AM 15 Q. And the area that you grew up in, it was a pretty close
10:27AM 16 knit place, right?

10:27AM 17 A. It was, yes.

10:27AM 18 Q. People knew each other, right?

10:27AM 19 A. Yes.

10:27AM 20 Q. So, he is saying hello to people who are his parents'
10:27AM 21 contemporaries, right?

10:27AM 22 A. Yes.

10:27AM 23 Q. Who are your parents' contemporaries, right?

10:27AM 24 A. Correct, yes.

10:27AM 25 Q. Extending a courtesy of saying hi or shaking their hand,

10:27AM 1 right?

10:27AM 2 A. Yes.

10:27AM 3 Q. And you said you guys grew up, you know, for a long time

10:27AM 4 when you were little boys, right?

10:27AM 5 A. Correct.

10:27AM 6 Q. And I'm sure that you observed Mr. Bongiovanni's parents

10:27AM 7 enforcing those same type of mores on Mr. Bongiovanni to go

10:27AM 8 say hello to adults that he saw, right?

10:27AM 9 A. Yes, sir.

10:27AM 10 Q. And so that's essentially what was going on here? You

10:27AM 11 were saying hello to people inside the community, right?

10:27AM 12 A. Yes.

10:27AM 13 Q. He wasn't friends with these guys, like you weren't

10:27AM 14 friends with these guys, right?

10:28AM 15 A. No, we were acquaintances. We said hello, they knew our

10:28AM 16 families.

10:28AM 17 Q. And you say that you have an opinion about how

10:28AM 18 Mr. Bongiovanni thinks about Italian Organized Crime because

10:28AM 19 you had conversations about it in your 20s, correct?

10:28AM 20 A. Yes.

10:28AM 21 Q. And --

10:28AM 22 A. And later.

10:28AM 23 Q. You didn't always claim, though, that you and he had

10:28AM 24 conversations about Italian Organized Crime to law

10:28AM 25 enforcement, correct?

1 A. No. We didn't all the time.

2 Q. Do you remember back in your first proffer interview,

3 second proffer interview, you told federal agents that you

4 and Mr. Bongiovanni never talked about Italian Organized

5 Crime; do you remember that?

6 A. Not in depth, but we would talk about it, but generically

7 speaking, just --

8 Q. Do you remember telling law enforcement when asked

9 whether you and Mr. Bongiovanni talk about Italian Organized

10 Crime, responding to them, no, we don't talk about that.

11 A. Yes.

12 **MR. TRIPI:** Objection, hearsay. Improper

13 impeachment. Set it up as an inconsistent.

14 **THE COURT:** No, overruled.

15 **BY MR. SINGER:**

16 Q. So, you didn't first talk to law enforcement about how

17 you and Mr. Bongiovanni had conversations like this, right?

18 A. Correct.

19 Q. That's something that came out later, correct?

20 A. Correct.

21 Q. Like, in your trial testimony over the last two days,

22 right?

23 A. Correct.

24 Q. Now you claim that, actually, we did have conversations

25 likes this, correct?

10:29AM 1 A. Yes. Generically. Who allegedly was who, or if we saw
10:29AM 2 somebody. Those types of conversations.

10:29AM 3 Q. And fair to say that a lot of what Mr. Bongiovanni
10:29AM 4 allegedly stated to you in these conversations was based on
10:29AM 5 the same type of things that you based your opinion about
10:29AM 6 Italian Organized Crime figures on, right?

10:29AM 7 A. For those individuals, yes.

10:29AM 8 Q. Yeah. What people may have said in the community, right?

10:29AM 9 A. Correct.

10:29AM 10 Q. What you may have read in the paper, that kind of thing?

10:29AM 11 A. Correct.

10:29AM 12 Q. Okay. So you didn't have any type of intimate knowledge
10:29AM 13 or insider knowledge different from yours, correct?

10:29AM 14 A. Correct.

10:29AM 15 Q. Now, as far as Mike Masecchia is concerned, you stated
10:30AM 16 that he was a made member of IOC, right?

10:30AM 17 A. That's correct.

10:30AM 18 Q. That was based on something that he told you, correct?

10:30AM 19 A. I asked him, yes.

10:30AM 20 Q. When did he tell you that, definitively.

10:30AM 21 A. 2008, 2009, that timeframe. We were together. I've been
10:30AM 22 hearing things, a lot of things. Mike was a big, strong
10:30AM 23 figure. He had a reputation, he was a tough guy. And I
10:30AM 24 point, we were alone, and I asked him. And he told me he
10:30AM 25 was.

1 Q. And he provided the answer that he was?

2 A. He just said yes.

3 Q. And you recall back in the grand jury you gave a

4 different timeframe than that, correct?

5 A. Yes. I don't recall exactly the timeframe.

6 Q. Do you recall in the grand jury talking about how you had

7 this conversation with Masecchia back in the 2013 to '14 time

8 period?

9 A. Yes. Like I said, I wasn't quite sure on it, but it was

10 the mid 2000s, but I did have a conversation with him about

11 it, I did ask him.

12 Q. That's different than what you just said, right?

13 A. I mixed it up, I said I was not clear on it, it was

14 2000s.

15 Q. 2000s?

16 A. Mid 2000s. Between 2008, 2013, '14. It was that

17 timeframe. I don't remember the exact date when I asked him

18 that.

19 Q. That's a lot of different years, Mr. Selva.

20 A. I asked him the question, I don't remember when it was.

21 Q. Okay.

22 A. We were out, and I asked him it.

23 Q. Okay.

24 A. We were together, him and I, we had become close.

25 Q. But you did have this conversation with him about how he

10:31AM 1 confirmed it to you, right?

10:31AM 2 A. We did, yes.

10:31AM 3 Q. And you mentioned that there were also other rumors

10:31AM 4 circulating before he had that confirmation conversation

10:31AM 5 whether it was '08 or '14, I know you don't remember.

10:31AM 6 A. It was before that and during that time frame, yes,

10:31AM 7 that's why I asked him to confirm what I'd been hearing.

10:31AM 8 Q. And this is something that was floating around the

10:31AM 9 community as well, right?

10:32AM 10 A. It was.

10:32AM 11 Q. It was something that Ron Serio was aware of, correct?

10:32AM 12 A. Yes.

10:32AM 13 Q. This was something that other people inside of your

10:32AM 14 organization were aware of, correct?

10:32AM 15 A. Yes. Correct.

10:32AM 16 Q. One of the things that attracted you to the organization

10:32AM 17 itself, right?

10:32AM 18 A. Yes. Mike was a big figure, yes.

10:32AM 19 Q. Yeah, I mean the thought that you join an organization

10:32AM 20 that potentially has protection from this element is

10:32AM 21 something that was attractive to you, right?

10:32AM 22 A. At that time, yes.

10:32AM 23 Q. It would make it potentially less likely that something

10:32AM 24 would be discovered and you would get arrested, correct?

10:32AM 25 A. Correct.

10:32AM 1 Q. Okay. So, you described Mike Masecchia as an
10:32AM 2 intimidating guy, correct?

10:32AM 3 A. Yes.

10:32AM 4 Q. We saw on a cell phone entries yesterday that his
10:32AM 5 nickname was the gorilla, right?

10:32AM 6 A. Yes. All our friends, many people called him the
10:32AM 7 gorilla, yes.

10:32AM 8 Q. That was an earned reputation nickname, right?

10:32AM 9 A. It was an earned reputation. Yes.

10:32AM 10 Q. Because you did something across him, he beat you up,
10:32AM 11 right?

10:32AM 12 A. He was a tough guy.

10:32AM 13 Q. Yeah. Intimidating guy, right?

10:33AM 14 A. Yes.

10:33AM 15 Q. He liked to intimidate other people, too?

10:33AM 16 A. Yes.

10:33AM 17 Q. He liked to make sure that his reputation was well-known
10:33AM 18 with others, correct?

10:33AM 19 A. Correct.

10:33AM 20 Q. And you would agree with me that being a made Italian
10:33AM 21 Organized Crime figure is something that made him more
10:33AM 22 intimidating, right?

10:33AM 23 A. Yes.

10:33AM 24 Q. I mean, it wasn't just physically -- oh, my God, this guy
10:33AM 25 might beat me up, right?

10:33AM 1 A. Right.

10:33AM 2 Q. It was, there might be a greater part of an organization

10:33AM 3 that might go after me, too, right?

10:33AM 4 A. That would be the assumption, yes.

10:33AM 5 Q. And that's something that would make him more

10:33AM 6 intimidating, correct?

10:33AM 7 A. Correct.

10:33AM 8 Q. And that's something that Ron Serio knew, correct?

10:33AM 9 A. Correct.

10:33AM 10 Q. So, as far as Mr. Bongiovanni is concerned, he and his

10:33AM 11 family, you testified that one of the -- the figures -- I

10:33AM 12 guess, that Mr. Bongiovanni may have associated with, quote

10:33AM 13 unquote in his teenage years was a person named Donald

10:34AM 14 Panepinto.

10:34AM 15 A. Yes.

10:34AM 16 Q. And Donald Panepinto, you mentioned his nickname is

10:34AM 17 Turtle?

10:34AM 18 A. Yes that was the father of his girlfriend at the time.

10:34AM 19 Q. Yeah, you mentioned the association between

10:34AM 20 Mr. Bongiovanni and Mr. Panepinto was that Mr. Bongiovanni

10:34AM 21 dated Dana Panepinto when he was a teenager, correct?

10:34AM 22 A. That's correct.

10:34AM 23 Q. That that was a couple years as a teenagers, correct?

10:34AM 24 A. I believe for five years.

10:34AM 25 Q. And so we're talking about a high school relationship?

10:34AM 1 A. Yes.

10:34AM 2 Q. And that's something that fizzled off after high school?

10:34AM 3 A. High school through college, yes.

10:34AM 4 Q. Through college. Are we talking about all of college?

10:34AM 5 A. I said through -- no, they lasted five years, from high

10:34AM 6 school through his first two years of college.

10:34AM 7 Q. Yeah, and then basically filtered off after that because

10:34AM 8 he moved away, right?

10:34AM 9 A. That's correct.

10:34AM 10 Q. He went to Boston?

10:34AM 11 A. I believe so, yes. Yes.

10:34AM 12 Q. That was the end of the relationship, correct?

10:34AM 13 A. I believe it was on the rocks from what I remember, yes,

10:34AM 14 and then it ended.

10:34AM 15 Q. And was Mr. Bongiovanni deferential to Donald Panepinto?

10:35AM 16 A. I'm sorry, define deferential.

10:35AM 17 Q. Sure. Did he say hello to him?

10:35AM 18 A. Yes. He saw him quite a bit.

10:35AM 19 Q. Did he shake his hand?

10:35AM 20 A. Yes.

10:35AM 21 Q. Was he respectful?

10:35AM 22 A. Yes, he was at his house quite a bit because he was

10:35AM 23 dating his daughter at that time.

10:35AM 24 Q. Yeah. I mean, you've dated people in your teenage years,

10:35AM 25 correct?

10:35AM 1 A. Correct.

10:35AM 2 Q. Were you deferential to their fathers?

10:35AM 3 A. Always.

10:35AM 4 Q. Shook their hands?

10:35AM 5 A. Always.

10:35AM 6 Q. Said hello?

10:35AM 7 A. Yes.

10:35AM 8 Q. Were polite?

10:35AM 9 A. Yes.

10:35AM 10 Q. And that's probably the reason why Mr. Bongiovanni did

10:35AM 11 it, right?

10:35AM 12 A. Correct.

10:35AM 13 Q. Okay. You spoke about an Uncle Cheech. Do you remember

10:35AM 14 that?

10:35AM 15 A. Correct.

10:35AM 16 Q. So Uncle Cheech was someone who Mr. Bongiovanni allegedly

10:35AM 17 said was a person in his family, who was associated with

10:35AM 18 Italian Organized Crime in Las Vegas?

10:35AM 19 A. Yes. He moved out there, and yes.

10:35AM 20 Q. That was based on something that a family member had told

10:35AM 21 Mr. Bongiovanni when he was a child?

10:35AM 22 **MR. TRIPI:** Objection. 602 and hearsay. How we know

10:36AM 23 a relative told Mr. Bongiovanni?

10:36AM 24 **MR. SINGER:** They had the conversation, Judge.

10:36AM 25 **THE COURT:** No, I understand that, but you need to

lay that foundation, Mr. Singer, so sustained to the form of the question.

BY MR. SINGER:

Q. So you had conversations about Uncle Cheech with Joe Bongiovanni, correct?

A. Correct.

Q. And Mr. Bongiovanni in these conversations explained to you how he had an Uncle Cheech, correct?

A. Correct.

Q. And he explained to you about how Mr. Bongiovanni had a thought about him being associated with Italian Organized Crime?

A. Correct. It was, again, an alleged, like everything else.

Q. And that was -- that was like you said --

A. Just comment. A comment.

Q. And that was based on something he had learned from another family member, correct?

A. I believe so, yes.

Q. Because that's something he told you, right?

A. Yes.

Q. He didn't say that I went up and asked Uncle Cheech if he was Italian Organized Crime, right?

A. No.

Q. He said, hey, I learned this based on something that

10:37AM 1 someone else told me in my family, correct?

10:37AM 2 A. Correct.

10:37AM 3 Q. Did you ever meet Uncle Cheech out in Las Vegas?

10:37AM 4 A. No. Not when I lived there, no. Never met him.

10:37AM 5 Q. And this conversation about Uncle Cheech we're talking

10:37AM 6 about something that happened 40 years ago, right?

10:37AM 7 A. Correct.

10:37AM 8 Q. You talked a little bit about Mr. Bongiovanni's father,

10:37AM 9 Frederick Bongiovanni, do you remember that?

10:37AM 10 A. Correct.

10:37AM 11 Q. And you testified that Mr. Bongiovanni told you -- sorry,

10:37AM 12 Joseph Bongiovanni told you that that Mr. Bongiovanni, his

10:37AM 13 dad, said he had some friends who were connected?

10:37AM 14 A. Correct.

10:37AM 15 Q. And that was what he said, correct?

10:37AM 16 A. Correct.

10:37AM 17 Q. As far as you understood it, though, Mr. Bongiovanni

10:37AM 18 wasn't connected to Italian Organized Crime, correct?

10:37AM 19 A. Correct.

10:37AM 20 Q. He was not a part of this inner circle, correct?

10:37AM 21 A. Correct.

10:37AM 22 Q. He knew people in his community who were adults, correct?

10:37AM 23 A. Correct.

10:37AM 24 Q. Same guys that your father and parents would hang out

10:37AM 25 with from time to time correct?

10:37AM 1 A. Yes, correct.

10:38AM 2 Q. And so they, by extension, also knew people who were

10:38AM 3 potentially connected to Italian Organized Crime, right?

10:38AM 4 A. Potentially, yes.

10:38AM 5 Q. Mr. Bongiovanni never said that my dad's a made member of

10:38AM 6 Italian Organized Crime, right?

10:38AM 7 A. No, he never said that.

10:38AM 8 Q. But he did mention that from time to time he played cards

10:38AM 9 at this restaurant over on Commonwealth?

10:38AM 10 A. It was The Club on Hertel.

10:38AM 11 Q. Um-hum. And that's something that other people would do

10:38AM 12 in the community, correct?

10:38AM 13 A. Correct.

10:38AM 14 Q. Like you didn't have to be a member of Italian Organized

10:38AM 15 Crime to hang out with Italian guys at this club and play

10:38AM 16 cards, right?

10:38AM 17 A. I don't know the membership rules or how they went about

10:38AM 18 it, but it was mostly older Italian men from the

10:38AM 19 neighborhood.

10:38AM 20 Q. And not all of them, based on your understanding had a

10:38AM 21 reputation of being in IOC, correct?

10:38AM 22 A. I don't know that.

10:38AM 23 Q. So this was a place that Italian men in the community

10:38AM 24 went to play cards?

10:38AM 25 A. Correct. It was --

1 Q. So, we talked a little bit about friends yesterday, I
2 want to get into that a little bit more. We talked about
3 people that you're friends with; is that right?

4 A. Yes.

5 Q. You talked about people who were friends of Joe
6 Bongiovanni according to your observations, correct?

7 A. Correct.

8 Q. So, I think I've asked you this before, but what is your
9 definition of a friend? Can you define that?

10 A. There's different definitions of friends. There's close
11 friends, there's friends who are acquaintances, there's a
12 friend you know from work or friend from school. I -- my
13 definition of a close friend --

14 Q. Yeah. So let's start with close friend, what's your
15 definition of a close friend?

16 A. Somebody you've grown up with and known a long time and
17 developed a relationship with, you become friends, start
18 hanging out doing things together. Get to know one another,
19 get to know their families, you become good friends.

20 Q. How about an acquaintance, that's another category of a
21 friend that you mentioned?

22 A. An acquaintance, there's different acquaintances, there's
23 work acquaintances, there is casual acquaintances, an
24 acquaintance to a friend, somebody you would know and just
25 say hi to, exchange a pleasantry, how are you, maybe see from

10:40AM 1 time to time with that person who knew them or if you knew
10:40AM 2 them, if you develop a casual acquaintance.

10:40AM 3 Q. All right. So is there a different categories of those
10:40AM 4 acquaintances then?

10:40AM 5 A. There's personal, there's professional -- yeah, family
10:40AM 6 acquaintances.

10:40AM 7 Q. Okay. So it's based on how you know the acquaintance
10:40AM 8 that you would categorize it that way, correct?

10:40AM 9 A. Yes. Or if you met somebody, and it was just an
10:40AM 10 acquaintance, you're not close with them, you're not close
10:40AM 11 with everybody you meet. If you meet somebody and they're an
10:40AM 12 acquaintance, you know them, hi how are you, that type thing,
10:40AM 13 it's casual acquaintance for it's professional acquaintance,
10:40AM 14 you work with them, you see them every day at work.

10:40AM 15 Q. All right.

10:40AM 16 A. Hey, how is it going, how was your weekend, that type
10:41AM 17 thing.

10:41AM 18 Q. So an acquaintance is someone you know because you may
10:41AM 19 have been introduced to them before?

10:41AM 20 A. Yes.

10:41AM 21 Q. An acquaintance is somebody you know based on some type
10:41AM 22 of professional relationship you might have?

10:41AM 23 A. Professional, personal. It can be defined a lot of
10:41AM 24 different ways, you can have an acquaintance if you're
10:41AM 25 involved in sports, athletic club, a gym you work out at, it

10:41AM 1 really depends. An acquaintance can be a lot of different
10:41AM 2 things.

10:41AM 3 Q. But I guess what I am getting at is -- is, an
10:41AM 4 acquaintance is somebody you know, correct?

10:41AM 5 A. Yes, acquaintance is somebody you know.

10:41AM 6 Q. You know their face, you know their name, that kind of
10:41AM 7 thing?

10:41AM 8 A. Yes, sir.

10:41AM 9 Q. But a friend is actually someone you have a relationship,
10:41AM 10 correct?

10:41AM 11 A. A friend is a little more in depth.

10:41AM 12 Q. It's someone you hang out with?

10:41AM 13 A. Correct.

10:41AM 14 Q. Call on the phone?

10:41AM 15 A. If it's that type of friendship, yes. Every friend you
10:41AM 16 don't call on the phone, but yes.

10:41AM 17 Q. Somebody you see out from time to time?

10:41AM 18 A. Yes.

10:41AM 19 Q. Somebody you make plans with?

10:42AM 20 A. Yes.

10:42AM 21 Q. So it's something more than I just know this person?

10:42AM 22 A. Correct.

10:42AM 23 Q. Okay. So as far as some of these people that you were
10:42AM 24 talking about that Mr. Bongiovanni's friends with, I want to
10:42AM 25 go through some of those people right now, okay?

10:42AM 1 A. Okay.

10:42AM 2 Q. One of the people that you mentioned that Mr. Bongiovanni

10:42AM 3 is allegedly a friend with is a guy by the name of Joe

10:42AM 4 Tomasello; do you remember that?

10:42AM 5 A. Yes.

10:42AM 6 Q. So Joe Tomasello, let's start off, you know him because

10:42AM 7 he grew up inside the same community as you and

10:42AM 8 Mr. Bongiovanni, correct?

10:42AM 9 A. Correct.

10:42AM 10 Q. He is not the same age as you and Mr. Bongiovanni,

10:42AM 11 though, right?

10:42AM 12 A. He's a little younger.

10:42AM 13 Q. Right. You know him through some of his older siblings,

10:42AM 14 older brothers, I should say.

10:42AM 15 A. He has an older brother, yes, Angelo.

10:42AM 16 Q. And so you know Joe Tomasello based on knowing the older

10:42AM 17 part of his family, correct?

10:42AM 18 A. No. I knew his older brother. But I knew Joe through

10:42AM 19 Joe. Through our neighborhood.

10:42AM 20 Q. Okay. So you knew him, he was a little bit younger than

10:42AM 21 you, correct?

10:43AM 22 A. Correct, a few years.

10:43AM 23 Q. He was younger than Mr. Bongiovanni, correct?

10:43AM 24 A. Correct.

10:43AM 25 Q. And you believed that Joe Tomasello was a friend of

10:43AM 1 Mr. Bongiovanni because you guys grew up in the same
10:43AM 2 neighborhood, correct?

10:43AM 3 A. Correct, and his sisters were friends with Joe's sister.
10:43AM 4 So, there was more than that, everyone was.

10:43AM 5 Q. Yes.

10:43AM 6 A. Friends.

10:43AM 7 Q. As far as the sisters knowing each other, we're talking
10:43AM 8 about how Joe's sisters and his family with friends with Joe
10:43AM 9 Tomasello's sister, right?

10:43AM 10 A. Correct.

10:43AM 11 Q. And this is going back to high school, correct?

10:43AM 12 A. Correct.

10:43AM 13 Q. So we're talking about teenage girlfriends?

10:43AM 14 A. Correct.

10:43AM 15 Q. And Joe knew Tomasello based on his sister's relationship
10:43AM 16 with Joe Tomasello's sister?

10:43AM 17 A. Correct. And them being in the neighborhood, too. As
10:43AM 18 well, yes.

10:43AM 19 Q. Okay. But as far as I guess moving past high school,
10:43AM 20 getting into the '80s, '90s, 2000, that kind of thing, you
10:44AM 21 didn't see Joe Tomasello hang out with Joseph Bongiovanni,
10:44AM 22 right?

10:44AM 23 A. No.

10:44AM 24 Q. You didn't see Joe Bongiovanni go talk to Joe Tomasello
10:44AM 25 on the telephone?

10:44AM 1 A. Not that I saw, no.

10:44AM 2 Q. You didn't see Joe Bongiovanni talk to Tomasello

10:44AM 3 regularly, correct?

10:44AM 4 A. No.

10:44AM 5 Q. Didn't see him make plans to hang out, correct?

10:44AM 6 A. Correct.

10:44AM 7 Q. So, that would be classified under your definition as not

10:44AM 8 a friend, but as an acquaintance, correct?

10:44AM 9 A. That would be a little bit deeper, no, I would say a

10:44AM 10 friend, because they knew each other their -- their, from the

10:44AM 11 neighborhood and their sisters were friends, so, yes, they

10:44AM 12 were friendly. They were friends.

10:44AM 13 Q. Mr. Selva, we just went through a couple minutes ago, do

10:44AM 14 you remember going through these definitions?

10:44AM 15 A. Yes.

10:44AM 16 Q. So you remember talking about how a close friend or

10:44AM 17 friend is someone you have a relationship with, right?

10:44AM 18 A. Right.

10:44AM 19 Q. You talk on the phone with?

10:44AM 20 A. Yes.

10:44AM 21 Q. You see out?

10:44AM 22 A. Yes. You.

10:44AM 23 Q. Make plans with?

10:44AM 24 A. Yes.

10:44AM 25 Q. You hang out with?

10:45AM 1 A. Yes. They weren't that, they were not that category.

10:45AM 2 Q. They were not that category, right?

10:45AM 3 A. No. They were not talking all the time and hanging out.

10:45AM 4 No.

10:45AM 5 Q. Correct. So the other part of that was not a friend, but
10:45AM 6 an acquaintance, do you remember that definition?

10:45AM 7 A. Yes.

10:45AM 8 Q. This was someone that you may have known from a
10:45AM 9 professional capacity, correct?

10:45AM 10 A. Yes.

10:45AM 11 Q. May have known from a sports related capacity, correct?

10:45AM 12 A. Correct.

10:45AM 13 Q. You may have known from growing up in the neighborhood
10:45AM 14 capacity, correct?

10:45AM 15 A. Correct.

10:45AM 16 Q. And this is someone that you recognize their face,
10:45AM 17 correct?

10:45AM 18 A. Correct.

10:45AM 19 Q. Race their name, correct?

10:45AM 20 A. Correct.

10:45AM 21 Q. If you saw him out, you may say helicopter /HRORBGS,
10:45AM 22 correct?

10:45AM 23 A. Correct.

10:45AM 24 Q. But you don't have a relationship with that person,
10:45AM 25 right?

1 A. You know that person. No.

2 Q. That's what I'm getting at again, is when you said that
3 Joe Tomasello was a friend of Mr. Bongiovanni, that's not
4 correct, right?

5 A. I -- I'm confused. They were. They were friends, they
6 knew each other. I understand what you explaining, but they
7 were friends.

8 Q. Let's go through this again if we have to, all right?

9 **MR. TRIPI:** Objection, it's argumentative at this
10 point, Judge.

11 **THE COURT:** Yeah, I think it is. I think it is,
12 Mr. Singer.

13 **MR. SINGER:** Okay. Well, I can move on to the next
14 one, Judge.

15 **BY MR. SINGER:**

16 Q. All right. So the next person I had mentioned, I think
17 you had mentioned that Dave Hersey, do you remember talking
18 about Dave Hersey?

19 A. I do.

20 Q. And Dave Hersey was someone that you and Mr. Bongiovanni
21 knew going back to your college years in your 20s, right?

22 A. Yes. Back in the day. Locker Room, all of the bars,
23 that type of thing.

24 Q. So back in the day, you, Joe Bongiovanni, Dave Hersey and
25 others, they would hang out in the bars, correct?

10:46AM 1 A. See -- see each other, yes. We were all friends.

10:46AM 2 Q. You guys would talk, drink beers?

10:46AM 3 A. Yes.

10:46AM 4 Q. Make plans to see each other out?

10:46AM 5 A. See each other out, yes. Groups of guys, yes.

10:46AM 6 Q. Probably talk on the telephone at that point in time,

10:46AM 7 too?

10:46AM 8 A. With who?

10:46AM 9 Q. With Dave Hersey?

10:46AM 10 A. Yes, I was friends with him, yes.

10:46AM 11 Q. And that's when you say Joe Bongiovanni hanging out with

10:47AM 12 Dave Hersey, correct?

10:47AM 13 A. Correct.

10:47AM 14 Q. And so we're talking about early 1990s, 30 to 35 years

10:47AM 15 ago?

10:47AM 16 A. Yes.

10:47AM 17 Q. But fast forward, when Joe Bongiovanni gets married and

10:47AM 18 he moves into his 30s and 40s and his 50s, he and Dave Hersey

10:47AM 19 weren't hanging out every single weekend, right?

10:47AM 20 A. No.

10:47AM 21 Q. You didn't see them make plans to hang out, correct?

10:47AM 22 A. Correct.

10:47AM 23 Q. You didn't see them speaking on the phone together,

10:47AM 24 correct?

10:47AM 25 A. No.

10:47AM 1 Q. It was one of those things if you ran into Dave Hersey at
10:47AM 2 a bar, maybe you see Joe Bongiovanni say hey, how is it
10:47AM 3 going, Dave, that kind of thing?
10:47AM 4 A. Yes. They knew each other. They would say hello, yes.
10:47AM 5 Q. Shake hands?
10:47AM 6 A. Yes, sir.
10:47AM 7 Q. But that was really it, right?
10:47AM 8 A. Yes, they exchange pleasantries.
10:47AM 9 Q. So Dave Hersey and Joe Bongiovanni they're not friends,
10:47AM 10 they're acquaintances, correct?
10:47AM 11 A. From that point, yes, they are acquaintances and they
10:47AM 12 knew each other, yes.
10:47AM 13 Q. So Sal Volpe was another name you mentioned yesterday do
10:47AM 14 you remember that?
10:47AM 15 A. Yes.
10:48AM 16 Q. Sal Volpe you testified was a friend of yours?
10:48AM 17 A. Yes, he was from North Buffalo, he is since deceased.
10:48AM 18 But yes, sir.
10:48AM 19 Q. When he was still alive, he was someone you would see out
10:48AM 20 from time to time, right?
10:48AM 21 A. Yes.
10:48AM 22 Q. Somebody who you would make plans to hang out with every
10:48AM 23 now and then?
10:48AM 24 A. I would see him, yes.
10:48AM 25 Q. Talk to him on the telephone?

10:48AM

1 A. I did, yes.

10:48AM

2 Q. And you testified yesterday that you assume or believed

10:48AM

3 that Mr. Bongiovanni knew him when he was alive because he

10:48AM

4 was from the neighborhood, correct?

10:48AM

5 A. Yes.

10:48AM

6 Q. But fast forward again, as we get out of 20 year old time

10:48AM

7 period and Mr. Bongiovanni's 30s, 40s, 50s, that kind of

10:48AM

8 thing, you didn't see him hanging out with Sal Volpe?

10:48AM

9 A. No, they didn't run in the same circles but they knew

10:48AM

10 each other from the neighborhood.

10:48AM

11 Q. So once again, he's not a friend of Mr. Bongiovanni, he's

10:48AM

12 an acquaintance.

10:48AM

13 A. He's an acquaintance, they knew each other.

10:48AM

14 Q. Who hadn't spoken together based on your knowledge for 30

10:48AM

15 years?

10:48AM

16 A. Based on my knowledge, yes.

10:48AM

17 Q. Wayne Anderson was another person you had mentioned as a

10:48AM

18 friend of Mr. Bongiovanni, correct?

10:49AM

19 A. Correct.

10:49AM

20 Q. All right. So, you testified that Mr. Bongiovanni knows

10:49AM

21 Wayne Anderson because he grew up in the neighborhood, right?

10:49AM

22 A. Yes.

10:49AM

23 Q. And you guys used to hang out back when you were 20s and

10:49AM

24 that kind of thing?

10:49AM

25 A. Yes. Different timeframe, yes.

10:49AM 1 Q. So we're talking about, like, you know, the late '80s,
10:49AM 2 early '90s, right?

10:49AM 3 A. Correct.

10:49AM 4 Q. We're talking about 30 or 40 years ago, right?

10:49AM 5 A. Yeah. And then through the years, we'd also see Wayne.
10:49AM 6 He was always around, he's been a friend.

10:49AM 7 Q. Let's concentrate for this one period for a second.

10:49AM 8 A. Yes.

10:49AM 9 Q. So late '80s, early '90s, to put things into perspective
10:49AM 10 for the jury, this is the same time that Ronald Reagan and
10:49AM 11 George Bush were President of the United States, right?

10:49AM 12 A. Yes.

10:49AM 13 Q. It's the same time when the Buffalo Bills were in four
10:49AM 14 straight Super Bowls, right?

10:49AM 15 A. Not the '80s, the '90s.

10:49AM 16 Q. The early '90s, right?

10:49AM 17 A. Yes.

10:49AM 18 Q. It's the same point in time where you know like a lot of
10:49AM 19 things are going on. I'm thinking like when you're going out
10:49AM 20 in the late '80s, was it like the Wedding Singer in some way?

10:50AM 21 I was a little kid back then, help me understand, what
10:50AM 22 was the scene like.

10:50AM 23 A. In the late '80s, '90s?

10:50AM 24 Q. Yeah.

10:50AM 25 A. It was a different timeframe, different styles, different

1 time frame.

2 Q. So let's fast forward in to Joe Bongiovanni's 30, 40s,
3 50s, the fact is, you don't see Joe Bongiovanni socializing
4 with Wayne Anderson on a regular basis anymore like you did
5 back then?

6 A. But we knew him. If we were out and we see him, we'd
7 talk. We were friends.

8 Q. Um-hum. Yeah. You mentioned like you know you see him
9 from time to time, like Wayne Anderson you mentioned was at
10 Joe's stag back in 2014, right?

11 A. Yes.

12 Q. You mentioned that you believed he was at your benefit in
13 July of 2017?

14 A. Correct.

15 Q. So you know, you may have caught up with him on those
16 occasions?

17 A. Right.

18 Q. Said hello?

19 A. Yes. He was an old friend, yes, he was a friend.

20 Q. But outside of those two particular occasions, and
21 running into each other at a bar, you didn't see Joe
22 Bongiovanni making plans to hang out with Wayne Anderson,
23 right?

24 A. No.

25 Q. Didn't see him talking on the phone?

10:51AM 1 A. No.

10:51AM 2 Q. Correct?

10:51AM 3 A. No.

10:51AM 4 Q. So he may have known Mr. Anderson like you said, but

10:51AM 5 Wayne Anderson is just an acquaintance, not a friend,

10:51AM 6 correct?

10:51AM 7 A. It's a little bit deeper because we did hang out at one

10:51AM 8 time when we were younger. When we were younger it was at

10:51AM 9 the -- you mentioned 19, 20s, we were at the beach. Out in

10:51AM 10 the bars, yes, we've known each other a long time.

10:51AM 11 Q. We talked about that with Dave Hersey?

10:51AM 12 A. This is a little bit different because we've known each

10:51AM 13 other longer.

10:51AM 14 Q. Okay. So you've known each other a little bit longer?

10:51AM 15 A. Yes.

10:51AM 16 Q. You don't hang out anymore, right?

10:51AM 17 A. No.

10:51AM 18 Q. And you can understand how sometimes friendships evolve,

10:51AM 19 right?

10:51AM 20 A. Correct.

10:51AM 21 Q. Like sometimes you're really good friends with someone

10:51AM 22 when you're younger, right?

10:51AM 23 A. Correct.

10:51AM 24 Q. But as you get older you drift apart?

10:51AM 25 A. That's correct.

10:51AM 1 Q. So you may know each other and you may say hello to each
10:51AM 2 other but you don't hang out in the same way?
10:51AM 3 A. That's human nature.
10:52AM 4 Q. I'm sure you had friends who you knew when you were
10:52AM 5 younger back in grade school?
10:52AM 6 A. Yes.
10:52AM 7 Q. But you stopped being friends with them when you're a
10:52AM 8 teenager, right?
10:52AM 9 A. Correct.
10:52AM 10 Q. I'm sure you had friends you hung out with in college,
10:52AM 11 right?
10:52AM 12 A. Different paths, correct.
10:52AM 13 Q. But you don't hang out with them on a regular basis?
10:52AM 14 A. Right.
10:52AM 15 Q. I had my 25th college reunion a couple of weeks ago.
10:52AM 16 Went up there and saw people I hadn't seen in 25 years, but I
10:52AM 17 said hello to them because I knew them back then, but I
10:52AM 18 hadn't called them in many, many years. You can understand
10:52AM 19 how that happens in relationships, right?
10:52AM 20 A. Yes. I understand, yes, sir.
10:52AM 21 Q. You mentioned the Suppa brothers, Mark, John and Matt, do
10:52AM 22 you remember those?
10:52AM 23 A. Yes.
10:52AM 24 Q. And you mentioned that Mr. Bongiovanni is friends with
10:52AM 25 these people?

10:52AM 1 A. Yes.

10:52AM 2 Q. So, he was friends because these folks that lived in the

10:52AM 3 neighborhood, right?

10:52AM 4 A. Lived in the neighborhood and at one time I believe they

10:52AM 5 lived in the same, it was a double on Colvin that they

10:52AM 6 upstairs/downstairs.

10:52AM 7 Q. Yeah, the Suppa family lived in a duplex that the

10:53AM 8 Bongiovannis lived in, right?

10:53AM 9 A. Yes. In the duplex.

10:53AM 10 Q. So they knew each other back then?

10:53AM 11 A. Yes.

10:53AM 12 Q. We're talking 40, 45 years ago, right?

10:53AM 13 A. Yeah, but we were good friends through the years, too.

10:53AM 14 We really knew each other.

10:53AM 15 Q. Okay. But then fast forward getting --

10:53AM 16 A. More Mark and Matt, John was older, there's three

10:53AM 17 brothers.

10:53AM 18 Q. Okay.

10:53AM 19 A. John was much older -- 7 years older than us.

10:53AM 20 Q. But once you start to get into the 1990s, 2000s, stuff

10:53AM 21 like that, Mr. Bongiovanni is older and married, or dating

10:53AM 22 people and has kids he's not hanging out with the Suppas,

10:53AM 23 right?

10:53AM 24 A. No.

10:53AM 25 Q. You didn't see him out there with them, correct?

10:53AM 1 A. Correct.

10:53AM 2 Q. And in fact one of the Suppa brothers, he moved to
10:53AM 3 Chicago, right?

10:53AM 4 A. Yes.

10:53AM 5 Q. And you didn't see him talking to the Suppas on the
10:53AM 6 phone, correct?

10:53AM 7 A. No.

10:53AM 8 Q. So, they're not friends of Mr. Bongiovanni, they're
10:53AM 9 acquaintances, correct?

10:53AM 10 A. They're -- I would say friends because when they lived
10:53AM 11 together, they became close, they were good friends, not live
10:53AM 12 together, but in the same duplex, and Mark was our age, so we
10:53AM 13 all knew each, we knew Mark a little bit better.

10:54AM 14 Q. But again by your own definition of friends, they're not
10:54AM 15 friends, you get that, right?

10:54AM 16 A. They have a friendship. Yes. They're acquaintances at
10:54AM 17 this point in life. Yes.

10:54AM 18 Q. Okay. Thank you, Anthony Martone, do you remember
10:54AM 19 talking about him yesterday?

10:54AM 20 A. Yes.

10:54AM 21 Q. And he was someone who you said Mr. Bongiovanni was
10:54AM 22 friends with because he knew him from the neighborhood,
10:54AM 23 right?

10:54AM 24 A. Correct.

10:54AM 25 Q. But same kind of thing, fast forward to Joe Bongiovanni's

10:54AM 1 30s, 40s, 50s, he as friends with Joe Martone or Anthony
10:54AM 2 Martone anymore, right?
10:54AM 3 A. No. Just --
10:54AM 4 Q. They're acquaintances, right?
10:54AM 5 A. Acquaintances from the neighborhood, yes.
10:54AM 6 Q. Joe Bella was someone you mentioned yesterday, do you
10:54AM 7 remember?
10:54AM 8 A. Yes. He's an acquaintance.
10:54AM 9 Q. And Joe Bella, he's not from the neighborhood at all,
10:54AM 10 right?
10:54AM 11 A. No, he's acquaintance later from life.
10:54AM 12 Q. You knew him from the bar scene, right?
10:54AM 13 A. Correct.
10:54AM 14 Q. And you didn't see Joe Bongiovanni hanging out with Joe
10:54AM 15 Bella all the time, right?
10:54AM 16 A. No.
10:54AM 17 Q. You didn't see them talking on the phone, right?
10:55AM 18 A. No.
10:55AM 19 Q. Okay. Frank Tripi, I don't think we talked about him.
10:55AM 20 But he's another guy from the neighborhood, correct?
10:55AM 21 A. Correct.
10:55AM 22 Q. You guys would hang out as teenagers from time to time?
10:55AM 23 A. Yes.
10:55AM 24 Q. And fast forward going into the 30s and 40s and 50s and
10:55AM 25 Mr. Bongiovanni, he wasn't hanging out with Frank Tripi,

10:55AM 1 right?

10:55AM 2 A. No.

10:55AM 3 Q. Didn't observe them speaking on the phone, correct?

10:55AM 4 A. Correct.

10:55AM 5 Q. So, another acquaintance of Joe Bongiovanni, correct?

10:55AM 6 A. Correct.

10:55AM 7 Q. Can't remember if Skip Giambrone came up, but he's

10:55AM 8 somebody who is older than you, right?

10:55AM 9 A. Yes.

10:55AM 10 Q. You met him later in life?

10:55AM 11 A. I did, yes.

10:55AM 12 Q. But you never saw Joe Bongiovanni hang out with Skip

10:55AM 13 Giambrone, correct?

10:55AM 14 A. No. No.

10:55AM 15 Q. Steve Brucato is somebody we talked about yesterday. Do

10:55AM 16 you remember him?

10:55AM 17 A. Yes.

10:55AM 18 Q. And you testified I believe that Joe Bongiovanni knows

10:55AM 19 him 'cuz they hung out in the same neighborhood together?

10:55AM 20 A. Yeah. Steve was our age group. Grew up in the

10:55AM 21 neighborhood. Worked at Gables.

10:55AM 22 Q. Um-hum.

10:56AM 23 A. Yes. We all knew each other.

10:56AM 24 Q. So, Joe Bongiovanni knows him based on where he grew up

10:56AM 25 and where he tended bar, right?

10:56AM 1 A. Yes.

10:56AM 2 Q. But they're not friends, right?

10:56AM 3 A. They knew each other. So, yes, I guess at this point

10:56AM 4 they'd be acquaintances.

10:56AM 5 Q. So acquaintances and not friends, correct?

10:56AM 6 A. I --

10:56AM 7 Q. It's okay to say yes. Acquaintances not friends,

10:56AM 8 correct?

10:56AM 9 A. They're acquaintances. They know each other, so --

10:56AM 10 Q. Thank you. The Mazzaras. Bart and Marty. They were the

10:56AM 11 sons of Bart Mazzara, Sr., right?

10:56AM 12 A. No. That's not correct. Bart was, Marty was not.

10:56AM 13 Q. Okay. So different person?

10:56AM 14 A. Marty is his nephew.

10:56AM 15 Q. So Bart, he's the son of Bart Mazzara Sr., right?

10:56AM 16 A. Yes.

10:56AM 17 Q. I guess he would be the brother-in-law of Mike Masecchia;

10:56AM 18 is that correct?

10:56AM 19 A. That's correct.

10:56AM 20 Q. And he's someone who's no longer with us?

10:56AM 21 A. He has passed, yes.

10:56AM 22 Q. And Joe Bongiovanni and you and Bart Mazzara hung out,

10:56AM 23 you guys grew up in the same neighborhood, right?

10:57AM 24 A. Yes.

10:57AM 25 Q. But kind of fast forward, he didn't live in Buffalo

10:57AM 1 anymore when he got to be an adult, correct?

10:57AM 2 A. Who, Bart?

10:57AM 3 Q. Yes.

10:57AM 4 A. No, Bart did.

10:57AM 5 Q. Bart did?

10:57AM 6 A. Bart lived in Buffalo his whole life, Marty moved away.

10:57AM 7 Q. Marty moved away?

10:57AM 8 A. Marty lives in Las Vegas.

10:57AM 9 Q. But you didn't see Mr. Bongiovanni hanging out with Bart

10:57AM 10 Mazzara all the time?

10:57AM 11 A. No. But we knew each other, again from that timeframe we

10:57AM 12 were younger all the way through life, you see them, you

10:57AM 13 evolve, say hello, how are you? You would always pick you

10:57AM 14 where you left off.

10:57AM 15 Q. But once again acquaintances, correct?

10:57AM 16 A. We may be able to define that a little bit, when you know

10:57AM 17 somebody a long time, when you see him, you give him a hug,

10:57AM 18 hi, how are you, how is everything. That's how that was.

10:57AM 19 Q. So this is morphing into a third category?

10:57AM 20 A. I'm sorry?

10:57AM 21 Q. It's morphing into a third category?

10:57AM 22 A. I'm just describing how it was, sir, that's all. I mean

10:57AM 23 with Bart Mazzara.

10:57AM 24 Q. Okay.

10:57AM 25 A. And some people.

1 Q. Marty Mazzara was a relative of Bart; is that right?

2 A. Yes.

3 **THE COURT:** Mr. Singer, how many more people do you
4 have to go through?

5 **MR. SINGER:** I've just got one more, Judge.

6 **THE COURT:** Okay.

7 **MR. SINGER:** Do you think we can take a break after
8 that?

9 **THE COURT:** If you want, yeah.

10 **BY MR. SINGER:**

11 Q. As far as Marty's concerned, he's out in Vegas, right?

12 A. He is.

13 Q. And you never saw Joe Bongiovanni hanging out with him on
14 a regular basis, correct?

15 A. It's been quite some time he's been out in Las Vegas a
16 long time.

17 Q. So you're not even sure if Mr. Bongiovanni is an
18 acquaintance of him anymore, right?

19 A. I'm not sure, I don't know.

20 Q. Okay.

21 **MR. SINGER:** We can pause here, Judge.

22 **THE COURT:** Okay. We'll take our morning break,
23 remember my instructions about not talking about the case with
24 anyone including each other, not making up your mind, see you
25 pack near about ten or 15 minutes.

10:58AM 1 (Jury excused at 10:58 a.m.)

10:59AM 2 **THE COURT:** Anything for the record from the
10:59AM 3 government?

10:59AM 4 **MR. TRIPI:** No, Your Honor, thank you.

10:59AM 5 **THE COURT:** From the defense?

10:59AM 6 **MR. SINGER:** No, Your Honor.

10:59AM 7 **THE COURT:** Okay. See you in about ten or 15
10:59AM 8 minutes.

10:59AM 9 **THE CLERK:** All rise.

10:59AM 10 (Off the record at 10:59 a.m.)

11:16AM 11 (Back on the record at 11:16 a.m.)

11:16AM 12 (Jury not present.)

11:16AM 13 **THE CLERK:** All rise.

11:16AM 14 **THE COURT:** Please be seated.

11:17AM 15 **THE CLERK:** We are back on the record for the jury
11:17AM 16 trial in the matter of United States versus Joseph
11:17AM 17 Bongiovanni, 19-cr-227. All counsel and parties are present.

11:17AM 18 **THE COURT:** Are we ready to go?

11:17AM 19 **MR. TRIPI:** Yes.

11:17AM 20 **MR. SINGER:** Ready.

11:17AM 21 **THE COURT:** Okay. Let's bring the witness back in.
11:17AM 22 Let's get the jury back in, please.

11:18AM 23 (Mr. Selva seated at 11:17 a.m.)

11:18AM 24 (Jury seated at 11:18 a.m.)

11:18AM 25 **THE COURT:** The record will reflect that all our

1 jurors are present.

2 I remind the witness he's still under oath.

3 Mr. Singer, you may continue.

4 **MR. SINGER:** Thank you, Your Honor.

5 **BY MR. SINGER:**

6 Q. I hate to play name games with you, Mr. Selva, but I'm

7 going to do it two more times. So we talked about Steve

8 Brucato. He was a bartender who worked up in the Hertel

9 area; is that right?

10 A. Yes.

11 Q. Tony Anastasia?

12 A. Yes.

13 Q. He was another guy who was a bartender?

14 A. He was.

15 Q. Where did he work?

16 A. Gables.

17 Q. So he is another guy up in the Hertel area, correct?

18 A. Correct.

19 Q. And I think Tony was another person who kind of grew up

20 in the neighborhood, correct?

21 A. I don't know if he grew up in the neighborhood, I met him

22 later in life.

23 Q. But you met him, Mr. Bongiovanni met him through

24 bartending at Gables on Hertel?

25 A. That's correct.

1 Q. And, so, I think Bobby Missana was a name that came up
2 yesterday was as well I believe?

3 A. Yes.

4 Q. And Bobby Missana was not someone who grew up in the
5 neighborhood, right?

6 A. Grew up on the right side, I believe.

7 Q. Yeah. But he was someone who was roughly around the same
8 age as you guys?

9 A. He was the same age, yes.

10 Q. He was a person who tended bar at a number of different
11 locations?

12 A. Yes.

13 Q. In the City of Buffalo, correct?

14 A. Correct.

15 Q. You mentioned Mother's?

16 A. Correct.

17 Q. But he was also out in the suburbs in the Northtowns,
18 correct?

19 A. I believe so, I'm not quite sure where.

20 Q. So you knew Anastasia and you and Bongiovanni knew
21 Anastasia and Missana mainly based on them being behind the
22 bar pouring you drinks, correct?

23 A. Yes.

24 Q. And you've been a bartender before, right?

25 A. Yes.

11:19AM 1 Q. So you talk to patrons, correct?

11:19AM 2 A. Yes.

11:19AM 3 Q. Patrons talk to you, correct?

11:19AM 4 A. Yes.

11:20AM 5 Q. And they might even share some of their issues with you

11:20AM 6 sometimes, right?

11:20AM 7 A. Correct.

11:20AM 8 Q. But it's a different type of relationship when it's a

11:20AM 9 bartender/patron relationship?

11:20AM 10 A. Correct.

11:20AM 11 Q. You wouldn't consider patrons your friends all the time,

11:20AM 12 correct?

11:20AM 13 A. Depends. If I get to know them and become friendly.

11:20AM 14 Q. Become friendly, but it's not like you're making plans to

11:20AM 15 go hang out with your bartender all the time, right?

11:20AM 16 A. No.

11:20AM 17 Q. So you know them based on your conversations in the bar

11:20AM 18 but a little bit different relationship, right?

11:20AM 19 A. Yes.

11:20AM 20 Q. And I know we have been talking a lot of names that end

11:20AM 21 in vowels and stuff like that, but I know we talked about,

11:20AM 22 you know, your neighborhood, you grew up in the predominantly

11:20AM 23 Italian at the time, correct?

11:20AM 24 A. It was.

11:20AM 25 Q. But it's not like that's the only ethnicity there,

11:20AM 1 correct?

11:20AM 2 A. Correct.

11:20AM 3 Q. So like guys like Dave Boshel or people that you knew,

11:20AM 4 he's somebody that you knew growing up?

11:20AM 5 A. No. I worked for Dave, and he was from South Buffalo.

11:20AM 6 Q. So you didn't know him. How about Joe Tali?

11:20AM 7 A. Joe Tali?

11:21AM 8 Q. Yeah.

11:21AM 9 A. I don't know a Joe Tali.

11:21AM 10 Q. You don't know Joe at all?

11:21AM 11 What about Dick Manke?

11:21AM 12 A. Dick Manke, I know, yes from, bartending.

11:21AM 13 Q. Bartending and stuff like that?

11:21AM 14 A. Yes.

11:21AM 15 Q. So these are guys that you know from that neighborhood

11:21AM 16 but they might not necessarily be Italian, right?

11:21AM 17 A. Dick Manke was not from North Buffalo, I knew him from

11:21AM 18 the Stuffed Mushroom.

11:21AM 19 Q. Yeah. So you knew him from that capacity?

11:21AM 20 A. Yes.

11:21AM 21 Q. But, the people that we've gone through, I realize a lot

11:21AM 22 of them are Italian, you and Joe Bongiovanni had friends

11:21AM 23 other than people who were Italian, correct?

11:21AM 24 A. Correct.

11:21AM 25 Q. Because people grew up in that neighborhood from all

1 ethnicities, correct?

2 A. Correct.

3 Q. So I want to kind of shift gears here talk a little bit
4 about Mike Masecchia again.

5 So, Mike Masecchia, he is somebody who you testified
6 yesterday grew up in the neighborhood, right?

7 A. Correct.

8 Q. He's somebody who was I think two years younger than you
9 and Joe, right?

10 A. I believe so. That's about right.

11 Q. But he's somebody who you guys hung out with in your
12 teenage years, correct?

13 A. Yes.

14 Q. During high school?

15 A. Yes.

16 Q. That kind of thing?

17 A. Yes.

18 Q. And then later when you transitioned into your early 20s
19 and college stuff like that, you guys are still hanging out?

20 A. Correct.

21 Q. I think you mentioned that Joe and Mike Masecchia had
22 also gone to college together in some capacity?

23 A. Correct. They went to U.B. together.

24 Q. And so we're talking about the early 1990s when
25 everyone's hanging out in -- in their 20s and that kind of

11:22AM 1 thing. We're talking about those kind of years, right?

11:22AM 2 A. Correct.

11:22AM 3 Q. And you saw Masecchia and Joe Bongiovanni hanging out

11:22AM 4 during that period of time, correct?

11:22AM 5 A. Yes.

11:22AM 6 Q. But when you fast forward, kind of like all these other

11:22AM 7 people we talked about, into Joe's 30s and 40s and 50s,

11:22AM 8 you're not seeing him hanging out with Mike Masecchia all the

11:22AM 9 time, right?

11:22AM 10 A. Not hanging out, no.

11:22AM 11 Q. You're not seeing him make plans with Mike Masecchia,

11:22AM 12 right?

11:22AM 13 A. Not that I knew of. No.

11:22AM 14 Q. They're not hanging out for holidays and stuff like that?

11:23AM 15 A. No.

11:23AM 16 Q. They're not talking on the phone to make plans or

11:23AM 17 checking in to see how each other's doing, correct?

11:23AM 18 A. Not on a personal note, yeah.

11:23AM 19 Q. Yeah, so those kind of things I guess go back to the same

11:23AM 20 kind of definition, like at that point in time, Mike

11:23AM 21 Masecchia's is not Joe Bongiovanni's friend, right?

11:23AM 22 A. No, he was his friend.

11:23AM 23 Q. Okay. So --

11:23AM 24 A. He was his friend.

11:23AM 25 Q. So you base that on the fact that they're talking about

11:23AM 1 this criminal conspiracy you were alleging yesterday?

11:23AM 2 A. Yes.

11:23AM 3 Q. Okay. So that's the basis of the friendship, right?

11:23AM 4 A. No. They've known each other longer than that. Those

11:23AM 5 time frames you just mentioned so there's a little bit of a

11:23AM 6 history there.

11:23AM 7 Q. But we just went again back to the fact that they're not

11:23AM 8 hanging out on a social basis anymore, right?

11:23AM 9 A. Right. But it doesn't mean they're not friends.

11:23AM 10 Q. Okay.

11:23AM 11 A. I mean, they're --

11:23AM 12 Q. I'll go back to the question, they're not hanging out on

11:23AM 13 a social basis anymore, right?

11:23AM 14 A. At what timeframe?

11:23AM 15 Q. We're talking about moving past the 1990s, into the

11:24AM 16 2000s.

11:24AM 17 A. No.

11:24AM 18 Q. They're not hanging out socially, right?

11:24AM 19 A. Not socially, no, but they --

11:24AM 20 Q. They're not hanging out for the holidays, right?

11:24AM 21 A. No.

11:24AM 22 Q. They may see each other at things like a stag or a

11:24AM 23 funeral?

11:24AM 24 A. Yes, sir.

11:24AM 25 Q. But they're not making plans to hang out at those

1 particular places, right?

2 A. Not that I know of. No.

3 Q. You don't see them talking on the phone on a regular
4 basis, correct?

5 A. No.

6 Q. You wouldn't be shocked if there wasn't a single call
7 from Mike Masecchia on Joe Bongiovanni's phone, correct?

8 A. At that timeframe, yes.

9 Q. Yeah. Stark contrast to you, back in that 2012 to 2019
10 time period, you're talking to Joe quite frequently, right?

11 A. Right.

12 Q. That's why you're his friend, right?

13 A. Right.

14 Q. So safe to say that Joe Bongiovanni again may have known
15 who Mike Masecchia was, but they're not friends in the 2000s?

16 A. No, they're still friends. I disagree with that.

17 Q. I guess we'll agree to disagree on that.

18 **MR. TRIPI:** Objection to the commentary.

19 **THE COURT:** Sustained.

20 **MR. TRIPI:** Move to strike the comment.

21 **THE COURT:** It's stricken.

22 **BY MR. SINGER:**

23 Q. So let's go back to I guess a little bit about what you
24 testified to yesterday. So you testified that you reach out
25 to Mike Masecchia to get involved in this grow operation,

11:25AM 1 correct?

11:25AM 2 A. Correct.

11:25AM 3 Q. And you testified that what you proposed to Mr. Masecchia

11:25AM 4 was that, hey, look, I can help you out by helping you grow

11:25AM 5 the marijuana plants, right?

11:25AM 6 A. It was discussed what to do to get involved, yes.

11:25AM 7 Q. That was one of the values you brought to being involved

11:25AM 8 in the operation, correct?

11:25AM 9 A. That's correct.

11:25AM 10 Q. You also offered up your house as a potential place to

11:25AM 11 grow the seedlings, correct?

11:25AM 12 A. Correct.

11:25AM 13 Q. And you also talked to Mike Masecchia about the fact that

11:25AM 14 you had a connection to Joe Bongiovanni, correct?

11:25AM 15 A. Yes. He knew that.

11:25AM 16 Q. That was far different than his, correct?

11:25AM 17 A. He knew that, yes.

11:25AM 18 Q. Yeah. You were really good friends with Joe Bongiovanni,

11:25AM 19 right?

11:25AM 20 A. Yes, he knew that, yes.

11:25AM 21 Q. And Mike Masecchia knew that he wasn't, correct?

11:25AM 22 A. Mike knew that he was good friends with him, yes. Again,

11:26AM 23 we all grew up with each other and he knew him on a personal

11:26AM 24 level, so, yes.

11:26AM 25 Q. So, Mr. Selva, the value you brought to Mike Masecchia as

11:26AM 1 you testified yesterday was not just that you could help grow
11:26AM 2 marijuana, right?
11:26AM 3 A. Correct.
11:26AM 4 Q. The value you brought to him in addition to that was that
11:26AM 5 you had a close relationship with Joe Bongiovanni, right?
11:26AM 6 A. Correct.
11:26AM 7 Q. And that value to him was it permitted him to have a
11:26AM 8 conduit to get to Joe Bongiovanni to propose these bribes,
11:26AM 9 correct?
11:26AM 10 A. Correct.
11:26AM 11 Q. So, what you're saying is, Mike Masecchia is a friend of
11:26AM 12 Joe Bongiovanni now?
11:26AM 13 A. He always been.
11:26AM 14 Q. So, I guess, Mr. Selva, if Mike Masecchia's a friend of
11:26AM 15 Mr. Bongiovanni, right?
11:26AM 16 A. Right.
11:26AM 17 Q. Why does he get you involved in this?
11:26AM 18 A. What do you mean, why does he get me involved in this?
11:26AM 19 Mike?
11:26AM 20 Q. Well, Mr. Selva, Mike Masecchia, if he's a friend of
11:27AM 21 Mr. Bongiovanni can go directly to Joe Bongiovanni and say,
11:27AM 22 hey, Joe, I need some help here, here's a bribe?
11:27AM 23 A. No. He felt I was closer, and I should do it.
11:27AM 24 Q. So -- so, you can't have it both ways, sir.
11:27AM 25 **MR. TRIPI:** Objection, argumentative.

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THE COURT: Sustained.

BY MR. SINGER:

Q. You're saying that you have a closer relationship to Joe Bongiovanni than Mike Masecchia, correct?

A. Correct.

Q. And that's because you guys speak on the phone on a regular basis, right?

A. Correct.

Q. You hang out on a regular basis?

A. Correct.

Q. You do things together and make plans, correct?

A. Correct.

Q. And it was not just back in 1990 something that you did all those things, right?

A. That's correct.

Q. You continued to do those things into the late 1990s, correct?

A. That's correct.

Q. After college and after graduation?

A. That's correct.

Q. You continued to do those things in the early 2000s, when you guys were going through marital strife, correct?

A. Correct.

Q. You continued to do those things after your later 2000s, when you guys are moving into different parts of your

11:27AM 1 relationship, correct?

11:27AM 2 A. Correct.

11:28AM 3 Q. And you continued to do those things into the 2010s, when

11:28AM 4 you guys are either married again or have older kids,

11:28AM 5 correct?

11:28AM 6 A. Correct.

11:28AM 7 Q. And that's because you're good friends with him, right?

11:28AM 8 A. Correct.

11:28AM 9 Q. But Mike Masecchia did not have that same type of

11:28AM 10 relationship with Joe Bongiovanni, correct?

11:28AM 11 A. He wasn't as close as we were, no, but they were good

11:28AM 12 friends.

11:28AM 13 Q. Yeah, they didn't hang out on a regular basis, right?

11:28AM 14 A. No, but they were still good friends.

11:28AM 15 Q. They didn't hang out on a regular basis?

11:28AM 16 A. Correct.

11:28AM 17 Q. They didn't go out and meet for dinner all the time?

11:28AM 18 A. Correct.

11:28AM 19 Q. They didn't go out and do things on a regular basis,

11:28AM 20 correct?

11:28AM 21 A. Correct.

11:28AM 22 Q. No social things, correct?

11:28AM 23 A. As far as I know, correct.

11:28AM 24 Q. They might see each other out and say hello at the bars

11:28AM 25 and that kind of thing?

1 A. Maybe a little bit more than that.

2 Q. But that's really the extent of what's going on?

3 A. Correct.

4 Q. So again, that's the value you say you bring to this
5 organization, correct?

6 A. Correct.

7 Q. Because Mike Masecchia didn't have as close a
8 relationship with Joe Bongiovanni, correct?

9 A. Correct.

10 Q. So now you see, it's fair to say that Mike Masecchia was
11 not that close to Joe Bongiovanni, like you, correct?

12 **MR. TRIPI:** Objection, argumentative, asked and
13 answered.

14 **THE COURT:** Overruled.

15 **THE WITNESS:** We were close. We --

16 **BY MR. SINGER:**

17 Q. You and Joe were?

18 A. Yes.

19 Q. And Mike Masecchia and Joe Bongiovanni were not, correct?

20 A. They were good friends. So I don't know if they were
21 close, as him and I, but they were friends.

22 Q. But again, the whole reason why you proposed to
23 Mr. Masecchia that you get involved in this thing was based
24 on your relationship with Joe, correct?

25 A. Correct.

11:29AM

1

MR. TRIPI: Objection.

11:29AM

2

BY MR. SINGER:

11:29AM

3

Q. And he saw the value in that?

11:29AM

4

THE COURT: Overruled. One at a time, folks.

11:29AM

5

MR. SINGER: Sorry.

11:29AM

6

THE COURT: Overruled. Next question.

11:29AM

7

BY MR. SINGER:

11:29AM

8

Q. And Mike Masecchia saw the value in your relationship,

11:29AM

9

correct?

11:29AM

10

MR. TRIPI: Objection as to what Mike Masecchia saw.

11:29AM

11

602. He asked what he said.

11:29AM

12

THE COURT: Yeah. The objection to the form of the

11:29AM

13

question is sustained. Ask another question, please,

11:29AM

14

Mr. Singer.

11:29AM

15

BY MR. SINGER:

11:29AM

16

Q. Mike Masecchia asked you to become a part of the

11:29AM

17

organization based on your relationship, your close

11:29AM

18

relationship with Joe Bongiovanni, right?

11:29AM

19

A. Correct.

11:29AM

20

Q. Because it was closer than his, correct?

11:30AM

21

A. Correct.

11:30AM

22

Q. And, so, as far as the offers that you had went through,

11:30AM

23

you talked about how when you originally approached Joe

11:30AM

24

Bongiovanni about this offer to get involved in this scheme

11:30AM

25

to provide information, he originally rejected that offer,

11:30AM 1 right?

11:30AM 2 A. Correct.

11:30AM 3 Q. You talked about how you had gone back to Mike Masecchia

11:30AM 4 to report this to him, correct?

11:30AM 5 A. Correct.

11:30AM 6 Q. And you talked about how yesterday you had confidence

11:30AM 7 that Joe would eventually come around based on your

11:30AM 8 relationship with him?

11:30AM 9 A. Correct.

11:30AM 10 Q. And when you approached Joe Bongiovanni the second time

11:30AM 11 to propose this to him, Mike Masecchia wasn't with you,

11:30AM 12 correct?

11:30AM 13 A. No, he was not.

11:30AM 14 Q. Like, he didn't say, hey, let me come along with you, I

11:30AM 15 know Joe, too, both of us can close this deal, correct?

11:31AM 16 A. No.

11:31AM 17 Q. He relied on you?

11:31AM 18 A. Relied on me.

11:31AM 19 Q. You alone?

11:31AM 20 A. Correct.

11:31AM 21 Q. And the reason for that, sir, is because again you had a

11:31AM 22 much closer relationship to Joe Bongiovanni than Mike

11:31AM 23 Masecchia ever did at that time, correct?

11:31AM 24 A. At that time. Yes.

11:31AM 25 Q. And used also agree with me that going back to the

1 earlier 2000s, before this scheme began, you had a much

2 closer relationship to Joe Bongiovanni than Mike Masecchia

3 ever had, too, correct?

4 A. Correct.

5 Q. In fact, to your knowledge, they weren't really speaking

6 much at all until this whole thing was proposed back in 2008,

7 according to your testimony, correct?

8 A. If they saw each other, they -- you know, like you

9 mentioned before, if you run into each other, you see each

10 other, yes. Correct.

11 Q. Back then they were just acquaintances, correct?

12 A. Friends.

13 Q. So, after this protection scheme starts up, it was your

14 testimony that Mike Masecchia and Joe Bongiovanni didn't

15 really hang out that much at all either, correct?

16 A. Correct.

17 Q. And that was, according to your testimony, based on a

18 preference that Mr. Bongiovanni had not to be seen with him,

19 correct?

20 A. Correct.

21 Q. It was also based on a preference to protect you in some

22 ways, correct?

23 A. Correct.

24 Q. That's what you testified to yesterday?

25 A. Correct.

11:32AM 1 Q. And so that's where you set up this arrangement where you
11:32AM 2 became the information conduit, right?

11:32AM 3 A. That's correct.

11:32AM 4 Q. So, you two would continue to have your same relationship
11:32AM 5 that you enjoyed over the last three, four decades, right?

11:32AM 6 A. Correct.

11:32AM 7 Q. And you guys would meet each other out at bars from time
11:32AM 8 to time, correct?

11:32AM 9 A. Correct.

11:32AM 10 Q. You'd talk on open telephones, correct?

11:32AM 11 A. Correct.

11:32AM 12 Q. So you called him on your regular telephone, right?

11:32AM 13 A. Correct.

11:32AM 14 Q. And you would call him at his DEA telephone, correct?

11:32AM 15 A. Correct.

11:32AM 16 Q. And that would be, you know, multiple calls a month,
11:32AM 17 correct?

11:33AM 18 A. Correct.

11:33AM 19 Q. You guys would text on those same lines, correct?

11:33AM 20 A. Correct.

11:33AM 21 Q. Because you didn't really have any concern about that
11:33AM 22 given the long-standing relationship you had, correct?

11:33AM 23 A. Correct.

11:33AM 24 Q. Didn't need to use burners because of that?

11:33AM 25 A. No.

11:33AM 1 Q. But Mike Masecchia is in a different category, right?

11:33AM 2 A. Correct.

11:33AM 3 Q. Your claim was that you provide Joe Bongiovanni numbers

11:33AM 4 of burners that Mike Masecchia had for the purpose of him

11:33AM 5 calling him, correct?

11:33AM 6 A. I gave Mike Joe's number, yes, and then he reached out.

11:33AM 7 Q. So you're saying that Mike Masecchia called Joe

11:33AM 8 Bongiovanni?

11:33AM 9 A. From burner phones.

11:33AM 10 Q. That's how he reached out?

11:33AM 11 A. I believe so. Yes.

11:33AM 12 Q. And you provided him the DEA cell phone?

11:33AM 13 A. Yes.

11:33AM 14 Q. You didn't have any concerns about that?

11:33AM 15 A. Well, I knew it would be a short meeting, just let's get

11:33AM 16 together. It was a brief conversation, I knew how Mike

11:33AM 17 worked.

11:33AM 18 Q. Did Mike Masecchia have any concerns about you or him

11:34AM 19 calling Joe Bongiovanni DEA cellphone?

11:34AM 20 A. No.

11:34AM 21 Q. Didn't care?

11:34AM 22 A. No.

11:34AM 23 Q. So as far as the information was concerned, you handled

11:34AM 24 that part of the relationship, correct?

11:34AM 25 A. Correct.

11:34AM 1 Q. Mike Masecchia, he was the money guy, correct?

11:34AM 2 A. Ron Serio was. Mike was the one I handed it off.

11:34AM 3 Q. He was the hander of the money, correct?

11:34AM 4 A. Yes.

11:34AM 5 Q. So according to your testimony, Ron Serio would provide

11:34AM 6 Mike Masecchia those funds, correct?

11:34AM 7 A. Correct.

11:34AM 8 Q. And then Mike Masecchia would make arrangements to meet

11:34AM 9 with Mr. Bongiovanni, correct?

11:34AM 10 A. That's correct.

11:34AM 11 Q. You would provide Joe Bongiovanni's cell phone number,

11:34AM 12 the DEA cell phone to Mike Masecchia, correct?

11:34AM 13 A. Correct.

11:34AM 14 Q. And then Mike Masecchia would place a call to that DEA

11:34AM 15 cell phone to coordinate with Joe Bongiovanni, correct?

11:34AM 16 A. I believe so, yes.

11:34AM 17 Q. And then they meet up and the best of your knowledge

11:34AM 18 that's where the money exchange happened, correct?

11:34AM 19 A. That's correct.

11:35AM 20 Q. And those type of meetings -- you know, I've been through

11:35AM 21 it a bunch of times, those are not social meetings, right?

11:35AM 22 A. No, they're brief meetings.

11:35AM 23 Q. Brief meetings, not at bars, correct?

11:35AM 24 A. No.

11:35AM 25 Q. We went through a number of people before we took our

1 break of individuals you claimed you were friends with and
2 you claim that Joe Bongiovanni was friends with, remember?

3 A. Yes.

4 Q. So, unlike Mr. Bongiovanni, some of those people that we
5 talked about, they were friends of yours, right?

6 A. Yes. Can you be specific which ones you were talking
7 about?

8 Q. Sure. So I'm not going to go through all the names
9 again, but bottom line is many of those people, you
10 socialized with them, correct?

11 A. Correct.

12 Q. Many of those people you called on the phone, correct?

13 A. From time to time. Yes. Depending on who it was, I
14 don't know exactly who you're referencing, but yes, sir.

15 Q. Some of those people were part of your criminal
16 associates in this drug-trafficking organization, correct?

17 A. Depending on who you're referencing, yes.

18 Q. And you'd see them based on your --

19 **MR. TRIPI:** Objection. At this point I'm going to
20 object to being more specific. Several times the witness has
21 indicated he doesn't know who Mr. Singer is referencing.

22 **THE COURT:** I think he's answering the questions fine
23 and Mr. Singer can ask the questions he wants to ask them so,
24 overruled.

25

Q. So some of these people you would see out at the job sites, whether it's grow sites down in the Southtowns, correct?

A. Yes.

Q. And you probably hang out with them from time to time too after you get done doing your drug business, correct?

A. Depends.

Q. And so it was fundamentally different than a relationship we talked about with Mr. Bongiovanni and these people at that point in his life?

A. With those specific people?

Q. Yes.

A. Yes.

Q. You were not just acquaintances to many of those people, you actually were friends because you did socialize with them, correct?

A. Yes, again I'm kind of vague on who you're referencing, but, yes. You're talking about friends that were involved in that, yes.

Q. Okay. So I want to shift gears a little bit and talk about Peter Gerace. So you testified that you knew Peter Gerace, correct?

A. Yes, he was an acquaintance.

Q. And you also testified that you knew his brother Anthony

11:37AM 1 Gerace; is that right?

11:37AM 2 A. Yes.

11:37AM 3 Q. And, so, they didn't grow up in North Buffalo, correct?

11:37AM 4 A. No.

11:37AM 5 Q. They weren't from the neighborhood?

11:37AM 6 A. They were not.

11:37AM 7 Q. And Anthony Gerace, your understanding that he's not the

11:37AM 8 same age as you and Mr. Bongiovanni, correct?

11:37AM 9 A. That's correct.

11:37AM 10 Q. That's Peter's younger brother?

11:37AM 11 A. Yes.

11:37AM 12 Q. By a couple years?

11:37AM 13 A. I don't know how old, but he's maybe in his 40s, mid 40s,

11:37AM 14 I'm not sure how old he is, but yes, he's younger.

11:37AM 15 Q. And how old are you?

11:37AM 16 A. I'm 59.

11:37AM 17 Q. So if he's in his 40s, that's quite a few years, correct?

11:37AM 18 A. For Anthony. Peter is more closer to our age.

11:37AM 19 Q. Yes. And Peter is more the contemporary between you and

11:37AM 20 Joe Bongiovanni, correct?

11:37AM 21 A. Correct.

11:37AM 22 Q. Okay. So you testified that Mr. Bongiovanni and

11:37AM 23 Mr. Gerace, you had witnessed them bartend at the Ramada at

11:38AM 24 some point in time?

11:38AM 25 A. Correct. It was called the Bubble back in the day.

11:38AM 1 Q. Yeah, and we're talking about back in the day, we're
11:38AM 2 talking about 30 years ago.
11:38AM 3 A. Long time ago, yes.
11:38AM 4 Q. So that was going back to the college days again, right?
11:38AM 5 A. Correct.
11:38AM 6 Q. And so you witnessed them doing that at that point in
11:38AM 7 time, and you testified that they kept up a relationship over
11:38AM 8 the course of time?
11:38AM 9 A. That's correct.
11:38AM 10 Q. So it wasn't just kind of this acquaintance situation
11:38AM 11 that we talked about with several people Mr. Bongiovanni grew
11:38AM 12 up back in the '80s and '90s with, right?
11:38AM 13 A. Correct. Because that evolved to a friendship with them.
11:38AM 14 Q. Because he was making plans with Peter Gerace to hang
11:38AM 15 out, correct?
11:38AM 16 A. To my understanding, correct.
11:38AM 17 Q. Talking to him on the phone?
11:38AM 18 A. Correct.
11:38AM 19 Q. Texting, that kind of thing?
11:38AM 20 A. Correct.
11:38AM 21 Q. Okay. Not the same thing with Anthony Gerace though it's
11:38AM 22 your understanding, correct?
11:38AM 23 A. No, it was Peter's younger brother.
11:38AM 24 Q. Okay. So Bongiovanni wasn't calling him up on the phone
11:38AM 25 all the time, right?

11:38AM 1 A. Not that I know of. Right.

11:38AM 2 Q. Wasn't hanging out with him all the time?

11:38AM 3 A. Not that I know of.

11:38AM 4 Q. So as far as Peter Gerace is concerned, you had stated

11:39AM 5 that at some point in time, back in 2013, to 2015 -- I know

11:39AM 6 you couldn't pinpoint it, you had gone to Pharaoh's

11:39AM 7 Gentlemen's Club with Joe Bongiovanni; is that right?

11:39AM 8 A. That's correct.

11:39AM 9 Q. And I think after Mr. Tripi asked you more directly, you

11:39AM 10 said it was two times, correct?

11:39AM 11 A. It was a couple times, yes.

11:39AM 12 Q. Well, do you remember, he asked you that question?

11:39AM 13 A. Yes.

11:39AM 14 Q. Is it a couple, and you remember how you responded, it's

11:39AM 15 two?

11:39AM 16 A. It was two.

11:39AM 17 Q. Yeah, because he wanted a direct answer out of you?

11:39AM 18 A. Correct.

11:39AM 19 Q. So we're talking about two times?

11:39AM 20 A. Two times.

11:39AM 21 Q. So one of those times, you guys went to the bar; is that

11:39AM 22 right?

11:39AM 23 A. That's correct.

11:39AM 24 Q. And you were kind of hanging out at the bar and Peter

11:39AM 25 wasn't there?

11:39AM 1 A. Correct.

11:39AM 2 Q. And then the second time, you recall that you went there

11:39AM 3 with Joe Bongiovanni again, correct?

11:39AM 4 A. Correct.

11:39AM 5 Q. And you hung out at the bar?

11:39AM 6 A. Correct.

11:39AM 7 Q. And at that point in time Peter Gerace was there,

11:39AM 8 correct?

11:39AM 9 A. He was, he came behind the bar and he saw us, correct.

11:39AM 10 Q. I think you stated that he said hello to you, correct?

11:39AM 11 A. Said hello to me, yes.

11:40AM 12 Q. And he said hello to Joe, correct?

11:40AM 13 A. Yes.

11:40AM 14 Q. And then at some point he asked Joe to come over to

11:40AM 15 another corner and talk to him for a second?

11:40AM 16 A. They had a private conversation that I wasn't involved

11:40AM 17 in, correct.

11:40AM 18 Q. And they had a three to five-minute conversation, as you

11:40AM 19 said yesterday?

11:40AM 20 A. Correct, I was standing in the middle of the bar drinking

11:40AM 21 a drink and they stepped away, correct?

11:40AM 22 Q. And after that ended, Joe came back to the bar, right?

11:40AM 23 A. Correct.

11:40AM 24 Q. And you guys continued to hang out the rest of the night,

11:40AM 25 right?

11:40AM 1 A. Not the whole night, we left short after. Yes. We had a
11:40AM 2 couple drinks and left.

11:40AM 3 Q. Okay. So you had a couple drinks and left?

11:40AM 4 A. Yes.

11:40AM 5 Q. All right. You have no idea what that conversation was
11:40AM 6 about?

11:40AM 7 A. No idea.

11:40AM 8 Q. Because you weren't part of it?

11:40AM 9 A. I wasn't part of it, correct.

11:40AM 10 Q. And you had situations where you had separated
11:40AM 11 conversations from people you were hanging out with?

11:40AM 12 A. Correct.

11:40AM 13 Q. And you didn't think anything of it?

11:40AM 14 A. Correct.

11:40AM 15 Q. You testified there was something that Joe Bongiovanni
11:40AM 16 told you vis-à-vis Anthony Gerace, right?

11:40AM 17 A. Yes.

11:40AM 18 Q. You had testified that there was some type of arrest that
11:41AM 19 Anthony Gerace had suffered by Amherst Police Department?

11:41AM 20 A. Correct.

11:41AM 21 Q. And you couldn't really pinpoint any time on this, right?

11:41AM 22 A. Mid 2000s, like I said I wasn't sure on the timeframe,
11:41AM 23 2013, '12, '14, that timeframe.

11:41AM 24 Q. Well, so when you say mid 2000s, I'm thinking 2005, 2006?

11:41AM 25 A. Let me rephrase that, a little later then.

1 Q. You're thinking about something a little later then?

2 A. Yes, I don't recall the timeframe.

3 Q. So you don't recall the timeframe, because yesterday you
4 said mid 2000s.

5 A. Mid 2000 -- 2012.

6 **MR. TRIPI:** Objection.

7 **THE COURT:** Hold on. Stop, stop, stop.

8 **MR. TRIPI:** That misstates what he said yesterday.

9 **THE COURT:** Well, I -- I don't remember what he said
10 yesterday, so overruled.

11 **BY MR. SINGER:**

12 Q. So, was it the mid 2000s? Was it 2015? What was it?

13 A. 2012, '10, I don't, exactly know the dates.

14 Q. Okay.

15 A. Sometime in that timeframe.

16 Q. So sometime in that ten year timeframe?

17 A. Yes.

18 Q. And you said that Anthony Gerace was arrested with some
19 quantity of cocaine?

20 A. Correct.

21 Q. And Amherst Police Department was the arresting agency,
22 based on what you were told?

23 A. I believe so, from what I was told, yes.

24 Q. Which Amherst police officers were involved in this
25 arrest?

11:42AM 1 A. I don't know the officers' names, I just know the
11:42AM 2 department that was involved. I don't know the officers'
11:42AM 3 names.

11:42AM 4 Q. Do you know what happened with the charges?

11:42AM 5 A. No. He just got arrested and Peter reached out to
11:42AM 6 Mr. Bongiovanni and he stepped in and helped him.

11:42AM 7 Q. Did you speak to Anthony Gerace about this?

11:42AM 8 A. No, I did not.

11:42AM 9 Q. Did Mike Masecchia ask you about this arrest?

11:42AM 10 A. Mike Masecchia knew about the arrest.

11:42AM 11 Q. He knew about it?

11:42AM 12 A. Yes.

11:42AM 13 Q. How about Ron Serio?

11:42AM 14 A. I believe Ron knew, too. That Anthony been arrested, I
11:42AM 15 don't know. But I know Mike knew.

11:43AM 16 Q. So you believed that both of them knew?

11:43AM 17 A. Yes. The word had gotten out. That Anthony had been
11:43AM 18 busted. He got busted with a few ounces of cocaine.

11:43AM 19 Q. But --

11:43AM 20 A. And people heard about it. ^ DAVID STARTED HERE.

11:43AM 21 Q. You're not really clear on the date on this, sir, right?

11:43AM 22 A. It's -- like I said, it was the mid-2000s, either between
11:43AM 23 2008 to 2013, that timeframe. I don't recall. But I know it
11:43AM 24 happened.

11:43AM 25 Q. So '08 or something like that, right?

11:43AM 1 A. Could have been, yes.

11:43AM 2 Q. And you know it happened, right?

11:43AM 3 A. Again, it's what I heard, yes.

11:43AM 4 Q. Exactly. That's what I'm getting at, is like you don't

11:43AM 5 know what it happened?

11:43AM 6 A. I don't know what happened, no.

11:43AM 7 Q. You know what you're told, right?

11:43AM 8 A. I was told that Anthony had got arrested for possession

11:43AM 9 of cocaine.

11:43AM 10 Q. But you don't know anything else about it, correct?

11:43AM 11 A. Then I told you what else I said, that Peter had reached

11:43AM 12 out to the defendant and he made a phone call to the Amherst

11:43AM 13 Police Department, a contact he had. And that's all I know.

11:43AM 14 Q. So Peter Gerace was also somebody that, I guess, you

11:44AM 15 talked about Joe Bongiovanni having a conversation about

11:44AM 16 having trouble with the probation office, right?

11:44AM 17 A. Correct.

11:44AM 18 Q. And you said that the Joe had shared with you at some

11:44AM 19 point in time that he had helped out Peter in some way only

11:44AM 20 to get an ankle bracelet; is that right?

11:44AM 21 A. Yes. Peter had been -- I believe he had just been

11:44AM 22 released from federal custody and something happened. He

11:44AM 23 violated it, and he had stepped in to give him a hand.

11:44AM 24 Q. When was this?

11:44AM 25 A. When Peter was released, I don't know, 2013, '14.

11:44AM 1 Somewhere around there.

11:44AM 2 Q. When was the conversation?

11:44AM 3 A. What do you mean, when was the conversation?

11:44AM 4 Q. When did you have this conversation with Mr. Bongiovanni?

11:44AM 5 A. After it happened. After he --

11:44AM 6 Q. When did he tell you this?

11:44AM 7 A. He told me --

11:44AM 8 Q. When did he tell you thing?

11:44AM 9 A. He told me after it happened. After he stepped in to

11:44AM 10 help Mr. Gerace.

11:44AM 11 Q. In 2013?

11:44AM 12 A. '13 or '14. That timeframe.

11:44AM 13 Q. Was it '13?

11:44AM 14 A. It was either '13 or '14. I'm not -- I'm not quite sure

11:45AM 15 on that.

11:45AM 16 Q. So you really can't pin that down?

11:45AM 17 A. I can't pin down the timeframe.

11:45AM 18 Q. All right. So, you had mentioned a couple of things that

11:45AM 19 led you to believe that Mr. Bongiovanni was using this bribe

11:45AM 20 money to help him and help others; do you remember that?

11:45AM 21 A. Yes.

11:45AM 22 Q. So, for instance, one of the things you talked about was

11:45AM 23 suits for his wedding in February of 2015; do you remember

11:45AM 24 that?

11:45AM 25 A. Correct.

11:45AM 1 Q. So you had claimed that he went to a store named
11:45AM 2 Napoli's, right?

11:45AM 3 A. Correct.

11:45AM 4 Q. And that's a store that's owned by Tom Napoli and his
11:45AM 5 father, correct?

11:45AM 6 A. Correct.

11:45AM 7 Q. Out in Williamsville?

11:45AM 8 A. Correct.

11:45AM 9 Q. And, so Tom Napoli at that time, he had a familial
11:45AM 10 relation to Joe Bongiovanni, right?

11:45AM 11 A. Yes.

11:45AM 12 Q. They were brothers-in-law, correct?

11:45AM 13 A. About to be, yes.

11:45AM 14 Q. Um-hum. And, so, you guys go over to Napoli's. You said
11:46AM 15 it was a -- it was a fine clothing store; is that right?

11:46AM 16 A. Yes.

11:46AM 17 Q. You said that -- that Joe liked to shop there, correct?

11:46AM 18 A. Yes, he liked fine clothes, yes.

11:46AM 19 Q. And so Joe liked to shop at a store owned by his
11:46AM 20 brother-in-law?

11:46AM 21 A. I believe so, yes.

11:46AM 22 Q. Are you aware of any discounts that he got as a result of
11:46AM 23 that family relationship?

11:46AM 24 A. I'm not aware of the relation -- arrangement they had,
11:46AM 25 no.

11:46AM 1 Q. Okay. So you're not aware of that at all?

11:46AM 2 A. I'm not aware of that, no.

11:46AM 3 Q. All right. So as far as the suit for the wedding, you
11:46AM 4 claim that -- that Joe Bongiovanni purchased your suit; is
11:46AM 5 that right?

11:46AM 6 A. That's correct.

11:46AM 7 Q. And it was -- it was a nice suit, right?

11:46AM 8 A. Yes.

11:46AM 9 Q. Is it the one you're wearing today?

11:46AM 10 A. No, it was a different color.

11:46AM 11 Q. And so that's something that he did based on the fact
11:46AM 12 that you were serving as his best man; is that right?

11:46AM 13 A. Yes.

11:46AM 14 Q. I think you mentioned that he also bought suits for --
11:46AM 15 for other people in the wedding party?

11:46AM 16 A. I believe so, yes.

11:46AM 17 Q. Like, for instance, he brought -- bought a suit for
11:46AM 18 his -- his kind of a not adopted son, but stepson, correct?

11:46AM 19 A. Correct.

11:46AM 20 Q. That was Lindsay's son from another relationship?

11:46AM 21 A. Correct.

11:47AM 22 Q. And he was -- Matty, only -- only young kid at that time,
11:47AM 23 right?

11:47AM 24 A. Correct.

11:47AM 25 Q. So he bought you a suit, he bought Matty a suit. How

11:47AM 1 many other suits did he buy?

11:47AM 2 A. Just the three.

11:47AM 3 Q. And you're not aware of any type of relation -- financial

11:47AM 4 arrangement that he had made with Tom Napoli, the owner of

11:47AM 5 the store?

11:47AM 6 A. I have no knowledge of that, no.

11:47AM 7 Q. Okay. But he got you the suit, correct?

11:47AM 8 A. Correct.

11:47AM 9 Q. You mentioned that you believed that there are watches

11:47AM 10 that -- that he owned that were expensive, correct?

11:47AM 11 A. Correct.

11:47AM 12 Q. So you talked about how he had an Invicta watch; is that

11:47AM 13 right?

11:47AM 14 A. Correct.

11:47AM 15 Q. You talked about how you believe that he had other

11:47AM 16 Invicta watches?

11:47AM 17 A. Yes. A few.

11:47AM 18 Q. You talked about how these were more expensive than the

11:47AM 19 ones you perhaps owned?

11:47AM 20 A. Yes, there were different classes of Invicta, from what I
11:47AM 21 know.

11:47AM 22 Q. Okay. Are you a jeweler, sir?

11:48AM 23 A. No. It's from what I looked at on line when I was

11:48AM 24 researching it to buy the one from myself. It went from one

11:48AM 25 price range to another.

1 Q. Do you know the particular models that Joe Bongiovanni
2 owns as far as watches, Invictas?

3 A. I do not. They are Invictas. The other one was a Rolex.

4 Q. Okay. So let's go on to that Rolex. So the Rolex, you
5 believe he owns a Rolex, too?

6 A. I believe, yes.

7 **MR. SINGER:** So, Ms. Champoux, would you mind putting
8 up Government Exhibit side by side 103-20, and 103-49.

9 **THE COURT:** These are both in evidence.

10 **MR. SINGER:** Both in evidence, yes, Judge.

11 And 103-49. Thanks, Ms. Champoux. If we could just
12 zoom in right up on that self area, Ms. Champoux.

13 Thank you very much.

14 **BY MR. SINGER:**

15 Q. So what we're talking about, Mr. Selva, is we're talking
16 about this watch here in the circle and this watch here in
17 the circle in the screen?

18 A. Yes, it looks like a Rolex.

19 Q. And so this particular Rolex -- again, you're not a
20 jeweler, right?

21 A. I'm not a jeweler, no.

22 Q. And this particular allegation, you mentioned this Rolex
23 for the very first time about a week ago during a witness
24 prep session, right?

25 A. Yes.

11:49AM 1 Q. And that was after the government presented these
11:49AM 2 photographs to you and asked you, are you aware of this?
11:49AM 3 A. I wasn't -- ^ CK AUDIO yes, they showed them to me, and
11:49AM 4 yes.
11:49AM 5 Q. They asked you do you know if this is a Rolex?
11:49AM 6 A. Yes. And it looked like a Rolex to me, yes.
11:49AM 7 Q. And so you told them, yes, it looks like a Rolex to me,
11:49AM 8 correct?
11:49AM 9 A. Yes.
11:49AM 10 Q. And that's the basis for your testimony?
11:49AM 11 A. I was asked a question and I answered it.
11:49AM 12 Q. Okay.
11:49AM 13 A. Yes. It look -- it looks like a Rolex to me.
11:49AM 14 Q. Are you aware if this is a Rolex or not a real Rolex?
11:50AM 15 A. I'm not aware of that, no.
11:50AM 16 Q. Are you even aware if it's a Rolex at all?
11:50AM 17 A. It looks like a Rolex.
11:50AM 18 Q. Were you shown a close-up of this particular watch?
11:50AM 19 A. No, but it just looks like a Rolex to me. I mean, I'm
11:50AM 20 looking at the same picture you are.
11:50AM 21 Q. Do you own a Rolex?
11:50AM 22 A. No.
11:50AM 23 Q. Have you ever owned a Rolex?
11:50AM 24 A. No.
11:50AM 25 Q. Have you ever touched a Rolex?

1 A. I've touched one, but I've never -- I don't own one.

2 Q. But you can tell from these pictures, even the blown up
3 one, that this is a Rolex?

4 A. It looks like a Rolex from what I've seen. The face, the
5 structure, the band, it looks like a Rolex.

6 Q. So the government asks you if function it was a Rolex and
7 you told them yes?

8 A. I gave them my opinion that it looked like a Rolex.

9 **MR. SINGER:** Okay. Ms. Champoux, if you could take
10 those down.

11 **BY MR. SINGER:**

12 Q. So we also talked yesterday about Mr. Bongiovanni's
13 houses and -- and the Buick. I want to get into those a
14 little bit.

15 So, this Buick, this particular Buick was purchased back
16 in -- in the 2012 time period; is that right?

17 A. I believe so, yes.

18 Q. It's a classic car, right?

19 A. Yes.

20 Q. You saw the pictures on it. It was something that you
21 said needed some work done on it to make it road serviceable
22 when it was purchased?

23 A. At the time, a bumper. I believe the convertible top,
24 the interior, stuff like that.

25 Q. So we're talking about the cosmetics, right?

11:51AM 1 A. Cosmetics.

11:51AM 2 Q. So we're not talking about rehauling the engine, right?

11:51AM 3 A. No.

11:51AM 4 Q. We're not talking about tearing out the transition and

11:51AM 5 redoing that, correct?

11:51AM 6 A. No, nothing like that, no.

11:51AM 7 Q. Not talking about doing all of the exhaust system on the

11:51AM 8 car, correct?

11:51AM 9 A. No.

11:51AM 10 Q. We're talking about the cosmetic things like the bumper?

11:51AM 11 A. Correct.

11:51AM 12 Q. Some interior work?

11:51AM 13 A. Yes.

11:51AM 14 Q. I think you mentioned paint also needed to be done in

11:51AM 15 some areas?

11:51AM 16 A. Yes.

11:51AM 17 Q. I think you also mentioned that maybe the -- the top on

11:51AM 18 it needed to be improved?

11:51AM 19 A. I believe so, yes.

11:51AM 20 Q. And you talked about how Mr. Bongiovanni, this is a hobby

11:52AM 21 of his, right?

11:52AM 22 A. Yes.

11:52AM 23 Q. Did work on the car?

11:52AM 24 A. Yes.

11:52AM 25 Q. Are you aware of how he paid for these items?

11:52AM 1 A. I am not, no.

11:52AM 2 Q. Are you aware that he took out a loan to pay for some of

11:52AM 3 these improvements?

11:52AM 4 A. I am not, no. Not aware of that.

11:52AM 5 Q. With regard to 221 Lovering, we talked a little bit about

11:52AM 6 that. That was Mr. Bongiovanni's childhood home, correct?

11:52AM 7 A. Correct.

11:52AM 8 Q. And it's a duplex in North Buffalo?

11:52AM 9 A. Yes.

11:52AM 10 Q. So, the way it's set up, just so the jury understands, is

11:52AM 11 that there's a downstairs apartment on the first floor,

11:52AM 12 correct?

11:52AM 13 A. Yes.

11:52AM 14 Q. And there's an upstairs apartment on the second floor?

11:52AM 15 A. Correct. A two-family home, correct.

11:52AM 16 Q. I think you mentioned at one point in time when

11:52AM 17 Mr. Bongiovanni was living there, were the Suppas living

11:52AM 18 there or was that a different address?

11:52AM 19 A. It was on Colvin.

11:52AM 20 Q. Okay. So, that's a different address but the same kind

11:52AM 21 of thing?

11:52AM 22 A. Different address. Same set up, yes.

11:52AM 23 Q. And you talked about how -- how Joe's parents had owned

11:52AM 24 that -- that house for -- for many, many years, correct?

11:52AM 25 A. Quite some time, yes.

1 Q. And at the point in time where Mr. Bongiovanni's
2 relationship with his first wife, JoAnn, ended, he moved back
3 to his parents' house, correct?
4 A. As far as my -- I know, yes.
5 Q. Yeah. And he moved into that upstairs apartment in the
6 221 Lovering address, correct?
7 A. Yes.
8 Q. And, so, he was living upstairs from his parents,
9 correct?
10 A. Correct.
11 Q. And they were living downstairs, correct?
12 A. Correct.
13 Q. I'm assuming the -- the rent situation, were you aware of
14 any of the details on that?
15 A. I was not.
16 Q. Okay. So, eventually, Frederick and Maria, Joe's
17 parents, they decide to -- to sell their place and move
18 somewhere else, correct?
19 A. Correct.
20 Q. And Joe was the person who decides to buy 221 Lovering
21 from his parents, right?
22 A. That's correct.
23 Q. And you're aware of the fact it's not some like \$1 family
24 transaction. This is something where a mortgage was taken
25 out, correct?

11:53AM 1 A. I -- I wouldn't know ^ CK AUDIO how the transaction
11:53AM 2 transpired, but it's -- obviously, it's a -- an expensive
11:54AM 3 transaction.

11:54AM 4 Q. Um-hum. So it's not like Mr. Bongiovanni paid his
11:54AM 5 parents a dollar and got a house for it, correct?

11:54AM 6 A. Correct.

11:54AM 7 Q. All right. So he moves into 221 Lovering as the landlord
11:54AM 8 at that point, correct?

11:54AM 9 A. I believe so, yes.

11:54AM 10 Q. And his parents are no longer living downstairs, correct?

11:54AM 11 A. Correct.

11:54AM 12 Q. And that's when he starts to rent out 221 Lovering,
11:54AM 13 correct?

11:54AM 14 A. That's correct.

11:54AM 15 Q. And he had several tenants who occupied the downstairs
11:54AM 16 unit, correct?

11:54AM 17 A. I'm not aware of several, but he did have tenants, yes.

11:54AM 18 Q. And he had other tenants -- well, so, when he first
11:54AM 19 purchased the house, he was living in the upstairs place,
11:54AM 20 correct?

11:54AM 21 A. He was living upstairs.

11:54AM 22 Q. He started renting the downstairs place, right?

11:54AM 23 A. Correct.

11:54AM 24 Q. I think you testified Lindsay Bongiovanni was one of
11:54AM 25 those downstairs tenants, right?

11:54AM 1 A. That's correct.

11:54AM 2 Q. That's how the two of them met in 2009?

11:54AM 3 A. That's correct.

11:54AM 4 Q. And, so, at some point in time, Joe Bongiovanni decides
11:54AM 5 to move in with Lindsay Bongiovanni, right?

11:54AM 6 A. That's correct.

11:54AM 7 Q. It was your understanding that Joe decided to move from
11:55AM 8 the upstairs apartment to the downstairs apartment, correct?

11:55AM 9 A. That's correct.

11:55AM 10 Q. Same place that his parents lived all those years?

11:55AM 11 A. That's correct.

11:55AM 12 Q. And the upstairs apartment is unoccupied when he moves
11:55AM 13 out, right?

11:55AM 14 A. That's correct.

11:55AM 15 Q. But it's not unoccupied for forever, right?

11:55AM 16 A. I'm not aware of that. I don't know.

11:55AM 17 Q. But you're aware of the fact that he did rent out the
11:55AM 18 upstairs apartment when he left?

11:55AM 19 A. I'm not aware of that. I thought it was just, they lived
11:55AM 20 in the lower. I thought the top was not rented.

11:55AM 21 Q. So your understanding was that the top was totally
11:55AM 22 unrented?

11:55AM 23 A. From my understanding, yes.

11:55AM 24 Q. And this forms your belief about the financial pressures
11:55AM 25 that Mr. Bongiovanni was under, correct?

11:55AM 1 A. Correct.

11:55AM 2 Q. But you don't know what was going on with that upstairs

11:55AM 3 apartment?

11:55AM 4 A. I don't know what's going on with it.

11:55AM 5 Q. 85 Alder was another place that you talked about

11:55AM 6 yesterday; do you remember that?

11:55AM 7 A. Yes.

11:55AM 8 Q. So this was the home that Lindsay and Joe purchased

11:56AM 9 before their wedding?

11:56AM 10 A. Correct.

11:56AM 11 Q. And it's a split level home out in Tonawanda, correct?

11:56AM 12 A. Correct.

11:56AM 13 Q. You're aware of the fact that they used a mortgage to pay

11:56AM 14 for that property, right?

11:56AM 15 A. I -- I don't know the arrangement. But I'm -- if you say

11:56AM 16 so. I don't know how they paid for it.

11:56AM 17 Q. So you don't know personally how they paid for it?

11:56AM 18 A. No.

11:56AM 19 Q. You testified that they did a number of improvements on

11:56AM 20 the property; do you remember that?

11:56AM 21 A. Yes.

11:56AM 22 Q. So, for instance, one of the things you talked about

11:56AM 23 yesterday was that they painted the walls, right?

11:56AM 24 A. Painted the -- yes. They painted, yes.

11:56AM 25 Q. That was something you saw with your own eyes?

11:56AM 1 A. Yes.

11:56AM 2 Q. Like there was a difference between when they purchased

11:56AM 3 it versus when you -- when you saw the pink ^ CK AUDIO paint

11:56AM 4 on the walls?

11:56AM 5 A. Yes.

11:56AM 6 Q. And you're a homeowner, right?

11:56AM 7 A. Yes.

11:56AM 8 Q. You painted your places, I'm sure, before?

11:56AM 9 A. Yes.

11:56AM 10 Q. We're not talking about a \$1 million improvement with

11:56AM 11 paint, right?

11:56AM 12 A. No.

11:56AM 13 Q. Go down to Home Depot, you get a gallon, you put it up on

11:57AM 14 the walls, get some rollers, right?

11:57AM 15 A. No, it was a little more involved than that.

11:57AM 16 Q. Well, it's a little more involved? What did you see,

11:57AM 17 sir?

11:57AM 18 A. I have high cathedral ceilings. I own a town home.

11:57AM 19 Q. I'm talking about --

11:57AM 20 A. It's more expensive.

11:57AM 21 Q. I'm talking about 85 Alder?

11:57AM 22 A. I just saw new paint.

11:57AM 23 Q. And it was more expensive to do at your house than it was

11:57AM 24 at their house, right?

11:57AM 25 A. I don't know the cost factor, but I know what it cost me,

11:57AM

1 so --

11:57AM

2 Q. You mentioned that there was a kitchen island that was

11:57AM

3 added to the kitchen?

11:57AM

4 A. Yes.

11:57AM

5 Q. Do you know where that was purchased?

11:57AM

6 A. I do not.

11:57AM

7 Q. Do you know how much it cost?

11:57AM

8 A. I do not.

11:57AM

9 Q. Do you know whether it was installed by someone

11:57AM

10 professionally or whether it was just placed in the kitchen?

11:57AM

11 A. I was assume -- it looked like it was installed

11:57AM

12 professionally.

11:57AM

13 Q. Okay. So -- so you said assume right there before you

11:57AM

14 gave that answer; do you remember that?

11:57AM

15 A. Yes.

11:57AM

16 Q. You're not aware of how it was installed, right?

11:57AM

17 A. I'm not aware, but I'm just saying how it looked. It

11:57AM

18 looked professionally installed.

11:57AM

19 Q. So it looked professionally installed to you, right?

11:57AM

20 A. Yes.

11:57AM

21 Q. You didn't see it installed?

11:57AM

22 A. I didn't see it installed.

11:57AM

23 Q. And Joe didn't tell you how it was installed, right?

11:58AM

24 A. No.

11:58AM

25 Q. So you don't know?

11:58AM 1 A. I don't know.

11:58AM 2 Q. I don't think you mentioned it yesterday, but remember in
11:58AM 3 prior proceedings talking about how the floors of this house
11:58AM 4 were redone?

11:58AM 5 A. Yes.

11:58AM 6 Q. Do you know whether, in fact, that was done before or
11:58AM 7 after the purchase of the house?

11:58AM 8 A. I believe after.

11:58AM 9 Q. You believe?

11:58AM 10 A. I believe, I'm not -- I'm not quite sure.

11:58AM 11 Q. So you don't know?

11:58AM 12 A. I don't know.

11:58AM 13 Q. You mentioned that there was a new garage door that was
11:58AM 14 put in place; do you remember that?

11:58AM 15 A. Yes.

11:58AM 16 **MR. SINGER:** Ms. Champoux, is it possible -- can you
11:58AM 17 bring up side by side Government Exhibit 523 and 524, both in
11:58AM 18 evidence?

11:58AM 19 **BY MR. SINGER:**

11:58AM 20 Q. So we talked a little bit about this yesterday. You had
11:58AM 21 mentioned that there was a garage door that was replaced at
11:58AM 22 the house; is that right?

11:58AM 23 A. Yes.

11:58AM 24 Q. We're talking about this garage door right here, correct?

11:58AM 25 A. Correct.

11:58AM 1 Q. And that's something that was -- was done according to
11:59AM 2 you by the Bongiovannis after they moved in, right?

11:59AM 3 A. Correct.

11:59AM 4 Q. Have you ever installed a new garage door at your house,
11:59AM 5 sir?

11:59AM 6 A. I never have, but I've gotten it done. I don't know how
11:59AM 7 to do that work.

11:59AM 8 Q. Okay.

11:59AM 9 A. Yes.

11:59AM 10 Q. So you've gotten it done by some professional company,
11:59AM 11 right?

11:59AM 12 A. Yes.

11:59AM 13 Q. As far as this particular garage door, do you know how
11:59AM 14 much it cost?

11:59AM 15 A. I don't.

11:59AM 16 Q. Do you know how much Joe and Lindsay paid for someone to
11:59AM 17 install it?

11:59AM 18 A. I don't, no.

11:59AM 19 Q. In your experience as a homeowner, is this something
11:59AM 20 that's like a \$10,000 repair?

11:59AM 21 A. No, couple thousand, 1500 ^ CK. Depends on the quality.
11:59AM 22 It depends on what you have to get done.

11:59AM 23 Q. Um-hum. So, again, we're talking about 1500 ^ CK,
11:59AM 24 \$2,000, right?

11:59AM 25 A. Yes.

11:59AM 1 Q. You talked about how landscaping work was also performed
11:59AM 2 at the house; do you remember that?
11:59AM 3 A. Yes.
11:59AM 4 Q. And, so what we're talking about is we're talking about
12:00PM 5 the grass, correct?
12:00PM 6 A. Correct.
12:00PM 7 Q. So it appears like some grass seed, based on your
12:00PM 8 experience as a homeowner, was probably put down on the
12:00PM 9 grass, right?
12:00PM 10 A. Yeah. Yes, sod, maybe.
12:00PM 11 Q. Do you know if sod was installed?
12:00PM 12 A. I don't know, but it looks like it. I mean -- I don't
12:00PM 13 know. I -- I'm not a landscaper, I don't know. I said sod
12:00PM 14 maybe. It looks like --
12:00PM 15 Q. So you said sod maybe, but you don't know?
12:00PM 16 A. No. It looks like seed. You're asking my opinion, it
12:00PM 17 looks like seed, it looks like sod, I don't know.
12:00PM 18 Q. Do you have a lawn at your house?
12:00PM 19 A. Yes.
12:00PM 20 Q. Does the lawn look like the picture on the left in 523
12:00PM 21 when you don't water it?
12:00PM 22 A. No. Yes, it did -- it -- it depends on the summer. If
12:00PM 23 it's a dry summer, yes, you have to really stay on top of it.
12:00PM 24 Q. When you water your lawn, does it look like the picture
12:00PM 25 on the right in 524?

12:00PM 1 A. Yes.

12:00PM 2 Q. So for all you know, the Bongiovannis might just have
12:00PM 3 cared for the lawn more than the previous owners?

12:01PM 4 A. Yes, I don't know.

12:01PM 5 Q. You talked about some of the landscaping that was done in
12:01PM 6 addition to the grass.

12:01PM 7 **MR. SINGER:** So, Ms. Champoux, is it possible we
12:01PM 8 could zoom in on this area of the house right here?

12:01PM 9 Thank you.

12:01PM 10 **BY MR. SINGER:**

12:01PM 11 Q. So, there was some shrubs, it looks like, that were torn
12:01PM 12 out in front and replaced --

12:01PM 13 A. Um-hmm.

12:01PM 14 Q. -- based on the differences of the pictures you saw,
12:01PM 15 correct?

12:01PM 16 A. Yes.

12:01PM 17 **MR. SINGER:** So Ms. Champoux, is it possible we could
12:01PM 18 zoom out of this and zoom into the same front of the house on
12:01PM 19 524?

12:01PM 20 **BY MR. SINGER:**

12:01PM 21 Q. So, the improvements that we're talking about are the
12:01PM 22 ones right over here, right?

12:01PM 23 A. Yes.

12:01PM 24 Q. So we're talking about the addition of this -- this
12:01PM 25 little tree here?

12:01PM

1 A. Yes.

12:01PM

2 Q. And a couple of these decorative shrubs in the front and

12:01PM

3 in the bed in the front of the bay window?

12:01PM

4 A. Yes. It looks like new soil, all new shrubs, yes.

12:01PM

5 Q. It looks like new soil to you?

12:01PM

6 A. Well, shrub, whatever it's called. Whatever the

12:01PM

7 terminology is.

12:01PM

8 Q. You're talking about mulch?

12:02PM

9 A. That's it.

12:02PM

10 Q. No problem.

12:02PM

11 A. My fault.

12:02PM

12 Q. Yeah, don't worry about it.

12:02PM

13 A. I'm not a landscaper.

12:02PM

14 Q. I -- I do mulch a lot more, so I unfortunately know that

12:02PM

15 word all too well.

12:02PM

16 A. Okay.

12:02PM

17 Q. So as far as, you know, the mulch, you're aware it's not

12:02PM

18 really that expensive, right?

12:02PM

19 A. I -- I don't know how much mulch costs, no.

12:02PM

20 Q. And this picture is from 2020, so you don't know when the

12:02PM

21 mulch was put in?

12:02PM

22 A. I don't.

12:02PM

23 Q. As far as these shrubs, you don't know when they were put

12:02PM

24 in, right?

12:02PM

25 A. I don't.

1 Q. As far as the cost of these various shrubs here, couple
2 of small bushes, you're not aware of how much they cost,
3 right?

4 A. I am not, no.

5 Q. As a homeowner, have you ever had to replace your shrubs
6 in your house before?

7 A. I have, yes.

8 Q. And we're not talking about \$10,000 worth of shrub work
9 right here, right?

10 A. No.

11 Q. In your experience, it looks like, you know, at best,
12 what, 50 to \$100 per plant?

13 A. Well, maybe a little bit more expensive than that. I
14 mean, it depends on what you get, too, you know. So --

15 Q. Does it appear like high-end shrubs to you?

16 A. No.

17 Q. Okay. So, again, we're talking about maybe \$1,000 worth
18 of work, maybe \$2,000, but nothing that's --

19 A. Couple thousand dollars worth of work, yes.

20 Q. Nothing that's crazy, right?

21 A. No, just maintenance.

22 **MR. SINGER:** Ms. Champoux, you can take that down.

23 Ms. Champoux, is it possible you could put up
24 Government Exhibits side by side, 103-62 and 103-13.

25

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Q. So you remember talking about the -- the home gym down in the basement --

A. Yes.

Q. -- Mr. Selva?

A. Yes.

Q. And this is what we're talking about, right?

A. Yes.

Q. We're talking about this weight bench over here on the right in 103-13?

A. Correct. You mentioned --

Q. Do you know when Mr. Bongiovanni purchased that weight bench?

A. I don't.

Q. Do you know when he purchased the weights to the right of it?

A. I don't.

Q. How about in 103-62, do you know when he purchased any of these machines that we see here?

A. I don't.

Q. Do you know how much any of these things cost?

A. Yeah, they're expense.

Q. Have you purchased them yourself, sir?

A. No, but I know they're expensive. I mean, I've seen them priced out in stores.

1 Q. Do you know the particular models that are picture here.

2 A. Just an elliptical and a treadmill. And then --

3 Q. Yeah, he's getting at his --

4 **THE COURT:** On at a time.

5 **MR. SINGER:** I'm sorry Ann, I'm sorry Judge. Let me
6 start again.

7 **BY MR. SINGER:**

8 Q. Do you know the particular models of these pieces of
9 equipment?

10 A. I do not.

11 Q. Do you know whether the high-end models or the
12 entry-level models?

13 A. I -- I have no idea. I don't know.

14 Q. So you have actually no idea?

15 A. I don't.

16 Q. And this home gym is a far cry than what you guys used to
17 work out at the Fitness Factory, right?

18 A. Yes.

19 Q. Yeah, the Fitness Factory was far nicer than this, right?

20 A. Yes. More equipment, yes.

21 Q. Okay.

22 **MR. SINGER:** You can take that done Ms. Champoux.
23 Thank you.

24 **BY MR. SINGER:**

25 Q. We talked a little bit yesterday about the alleged drug

1 use that you observed Mr. Bongiovanni engaged in. So I want
2 to go talk about that a little bit now.

3 So, fair statement that you did not tell law enforcement
4 in your initial interviews about Mr. Bongiovanni engaging in
5 drug abuse, correct?

6 A. Correct.

7 Q. When your house was raided back on 8/23/2019, you didn't
8 tell law enforcement that morning that Mr. Bongiovanni used
9 cocaine, correct?

10 A. Correct.

11 Q. During your first proffer meeting with the government,
12 you didn't talk to them about Mr. Bongiovanni using cocaine,
13 correct?

14 A. Correct.

15 Q. It wasn't until the second proffer meeting later in
16 September where you decided to say that Mr. Bongiovanni used
17 cocaine on approximately five different occasions over the
18 last ten years?

19 A. Correct.

20 Q. And as far as other times, you started to talk a little
21 bit more as you got to the grand jury about the particular
22 dates this occurred, right?

23 A. Correct.

24 Q. And we're talking about into the 2000s, correct?

25 A. Correct.

12:06PM 1 Q. And you start to talk about Mr. Bongiovanni allegedly
12:06PM 2 using drugs when you guys are out, correct?

12:06PM 3 A. Correct.

12:06PM 4 Q. This was at particular bars around the area; is that
12:06PM 5 right?

12:06PM 6 A. Correct.

12:06PM 7 Q. It was never in the house, right?

12:06PM 8 A. It was in a cottage at one time.

12:06PM 9 Q. Was it in a cottage or was it in a bar?

12:06PM 10 A. It was in a cottage, it was in a bar. It was in the
12:06PM 11 hotel in Cabo San Lucas.

12:06PM 12 Q. So Mr. Selva, you talked a little bit about the cottage.

12:06PM 13 That's Tom Doctor's cottage, right?

12:06PM 14 A. Yes, sir.

12:06PM 15 Q. You talked a little bit about how you had used cocaine
12:06PM 16 with Mr. Bongiovanni at one point in time when you're at the
12:06PM 17 cottage?

12:06PM 18 A. Yes.

12:06PM 19 Q. But you didn't use inside the cottage, right?

12:06PM 20 A. In a room in the cottage.

12:06PM 21 Q. Do you remember testifying in a previous proceeding in
12:06PM 22 this case?

12:07PM 23 A. Yes.

12:07PM 24 Q. And do you remember testifying about how you used at
12:07PM 25 Mickey Rats?

12:07PM 1 A. We did. It was there and it was also down the street at
12:07PM 2 Mickey Rats, correct.

12:07PM 3 Q. So -- so it's not just at Mickey Rats, it's at Mickey
12:07PM 4 Rats and the cottage?

12:07PM 5 A. Correct.

12:07PM 6 Q. And if you testified at a prior proceeding that you used
12:07PM 7 at the bar and not the cottage, that would be inconsistent
12:07PM 8 with your testimony today, right?

12:07PM 9 A. Correct.

12:07PM 10 Q. Okay. You testified about other times that you had used
12:07PM 11 at these other bars, right?

12:07PM 12 A. Yes.

12:07PM 13 Q. And so these other bars, your claim is that you would use
12:07PM 14 in the bathroom?

12:07PM 15 A. Correct.

12:07PM 16 Q. How did you do it?

12:07PM 17 A. Went into the stall, closed the door, and did it.

12:07PM 18 Q. So the two of you would go --

12:07PM 19 A. No.

12:07PM 20 Q. -- in the stall together?

12:07PM 21 A. No, I would go and then give it to him and then he would
12:07PM 22 go, wouldn't go together.

12:07PM 23 Q. So one of you would go into the stall, correct?

12:07PM 24 A. Yes.

12:07PM 25 Q. Use, right?

12:08PM

1 A. Yes.

12:08PM

2 Q. Then the other person would go in the stall, correct?

12:08PM

3 A. Yes. If you see two then in the stall, it's going to

12:08PM

4 attract attention.

12:08PM

5 Q. Okay. So, as far as the cocaine that you're using on

12:08PM

6 these times, this is cocaine that you had on your person,

12:08PM

7 right?

12:08PM

8 A. Yes. It was personal use, yes.

12:08PM

9 Q. And this is cocaine that you purchased, correct?

12:08PM

10 A. Correct.

12:08PM

11 Q. And this is cocaine that you -- you had in your

12:08PM

12 possession, right?

12:08PM

13 A. Correct.

12:08PM

14 Q. Mr. Bongiovanni didn't purchase this cocaine, correct?

12:08PM

15 A. No.

12:08PM

16 Q. He didn't possess this cocaine, correct?

12:08PM

17 A. No.

12:08PM

18 Q. You've had a problem abusing cocaine throughout many

12:08PM

19 years, correct?

12:08PM

20 A. I've not had a problem. I've done it.

12:08PM

21 Q. How often do you use cocaine a year, sir, before you were

12:08PM

22 arrested?

12:08PM

23 A. How often? I don't know. If it was around, if I was

12:08PM

24 out. It wasn't a lot.

12:08PM

25 Q. Used purchase it, right?

12:08PM 1 A. Small amounts.

12:08PM 2 Q. You had a regular dealer that you went to?

12:08PM 3 A. If I knew somebody and I was out, yes, I would purchase

12:09PM 4 it, yes, if it -- if I -- I felt like it at that point.

12:09PM 5 Q. But that's not the same type of connection that

12:09PM 6 Mr. Bongiovanni had to it, correct?

12:09PM 7 A. Not that I know of.

12:09PM 8 Q. So, Cabo wedding you mentioned was one place where you

12:09PM 9 had used, allegedly, cocaine with Mr. Bongiovanni, correct?

12:09PM 10 A. Correct.

12:09PM 11 Q. You didn't bring cocaine with you to Mexico, right?

12:09PM 12 A. No.

12:09PM 13 Q. So, where did you get it?

12:09PM 14 A. It was at the resort. Tom had it. I got it at the

12:09PM 15 resort from one of the ^ CK AUDIO.

12:09PM 16 Q. Where did you get it?

12:09PM 17 A. From one of the employees at the resort.

12:09PM 18 Q. What did he look like?

12:09PM 19 A. I don't know, he was a -- he was a guy that worked there.

12:09PM 20 Q. How did you know he was selling cocaine?

12:09PM 21 A. We asked. We asked questions.

12:09PM 22 Q. Who did you ask?

12:09PM 23 A. I asked somebody there if, you know, we can get some

12:09PM 24 party treats.

12:09PM 25 Q. So you asked some random person at the hotel?

12:09PM 1 A. No, one of the waiters that was waiting on us, became
12:10PM 2 friendly with us, and that was it.
12:10PM 3 Q. What did that person look like?
12:10PM 4 A. Hispanic, Mexican.
12:10PM 5 Q. And what did he tell you?
12:10PM 6 A. He said he can get.
12:10PM 7 Q. Who came to provide you the cocaine?
12:10PM 8 A. Somebody that he called. I have no idea.
12:10PM 9 Q. Who came to provide you the cocaine? What did the person
12:10PM 10 look like?
12:10PM 11 A. He was Mexican, sir.
12:10PM 12 Q. And what happened when he arrived? How did you pay him?
12:10PM 13 A. Paid him in cash and then I brought it back to the -- the
12:10PM 14 suite we were at and everyone did it.
12:10PM 15 Q. Pesos or dollars?
12:10PM 16 A. It was dollars, I believe it was.
12:10PM 17 Q. How much did you pay?
12:10PM 18 A. I don't recall.
12:10PM 19 Q. You don't recall?
12:10PM 20 A. I don't recall. A couple hundred dollars.
12:10PM 21 Q. What was quantity of cocaine you got?
12:10PM 22 A. A 16th or an 8 Ball, I don't remember what it was.
12:10PM 23 Q. And then you say that Tom Napoli also purchased cocaine
12:10PM 24 or had cocaine?
12:10PM 25 A. I believe he had it there, yes.

12:10PM 1 Q. Where did he get there?

12:10PM 2 A. That, I don't know. I have no idea.

12:10PM 3 Q. Did he go through the same connect that you met?

12:11PM 4 A. I have no idea.

12:11PM 5 Q. How many other people went in on this with you?

12:11PM 6 A. What, when I got it?

12:11PM 7 Q. When you bought it, who pitched in?

12:11PM 8 A. Everyone pitched in who was in the room.

12:11PM 9 Q. Who's everyone?

12:11PM 10 A. Myself, the defendant, I believe Tom, whoever was in the

12:11PM 11 room. Guys ^ CK AUDIO, Tom Doctor.

12:11PM 12 Q. Why did Tom pitch in for cocaine if Tom already had

12:11PM 13 cocaine?

12:11PM 14 A. It this was another time. This is twice. This is the

12:11PM 15 time I had gotten it and then he had gotten it.

12:11PM 16 Q. So this is a second time that you all used?

12:11PM 17 A. In Cabo, yes.

12:11PM 18 Q. Which hotel room?

12:11PM 19 A. I don't recall. It was one of the suite rooms.

12:11PM 20 Q. Was it your hotel room?

12:11PM 21 A. It was not my hotel room. I don't recall.

12:11PM 22 Q. What time of night?

12:11PM 23 A. It was before we were going down to the nightclub.

12:11PM 24 Q. What time of day?

12:11PM 25 A. It was in the evening.

12:11PM 1 Q. When you went down to the nightclub, how were you
12:11PM 2 feeling?
12:11PM 3 A. Good. Awake now.
12:11PM 4 Q. You were hanging out with Joe's family, right?
12:12PM 5 A. Yes.
12:12PM 6 Q. People were there from his family, correct?
12:12PM 7 A. Yes.
12:12PM 8 Q. Close friends, right?
12:12PM 9 A. Yes.
12:12PM 10 Q. Police officers, correct?
12:12PM 11 A. Well, just -- no.
12:12PM 12 Q. No?
12:12PM 13 A. Not that I -- police officers from the party or from --
12:12PM 14 Q. From his friend group, from his family.
12:12PM 15 A. No. Just Tom. Tom Doctor who was retired, I believe, at
12:12PM 16 the time.
12:12PM 17 Q. Kids were there, right, at the wedding?
12:12PM 18 A. There were no kids there, no.
12:12PM 19 Q. There were no kids at the wedding?
12:12PM 20 A. Well, Matty, but he wasn't -- he wasn't -- at the time
12:12PM 21 when he did this, he was not there.
12:12PM 22 Q. He was not down there?
12:12PM 23 A. He was not there when it was done.
12:12PM 24 Q. And when did this occur in relation to the wedding?
12:12PM 25 A. Couple days, a day or two before. It was a celebration.

12:12PM 1 There was a nightclub, we were going out, and it was done.

12:12PM 2 Q. It was done. So we saw pictures of a booze.

12:12PM 3 Cruise, right?

12:12PM 4 A. Yes.

12:12PM 5 Q. Did you use any cocaine there?

12:12PM 6 A. No.

12:13PM 7 Q. We saw pictures of the wedding day, right?

12:13PM 8 A. Yes.

12:13PM 9 Q. Did you use any cocaine there?

12:13PM 10 A. No.

12:13PM 11 Q. How about before the wedding, use any cocaine?

12:13PM 12 A. No, there was a party. There was a -- like I said, there

12:13PM 13 was a couple nights where we went out. The place had a nice

12:13PM 14 club. Those were the nights that it was used.

12:13PM 15 Q. And these other bars that you mentioned, same kind of

12:13PM 16 thing, right, you go into a stall?

12:13PM 17 A. Correct. Not -- except here it was done in a room.

12:13PM 18 Q. You provide the cocaine, right?

12:13PM 19 A. I had gotten it on that occasion, yes, in Cabo.

12:13PM 20 Q. You're aware of the fact that Mr. Bongiovanni gets tested

12:13PM 21 for drugs based on his status as a DEA agent, correct?

12:13PM 22 **MR. TRIPI:** Objection.

12:13PM 23 **THE WITNESS:** Correct.

12:13PM 24 **MR. TRIPI:** Objection, Rule 602. If we can approach?

12:13PM 25 **MR. SINGER:** Judge, he said this on direct.

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THE COURT: Stop, stop, stop, stop, stop.

Yeah, let's approach, if you want to approach, Mr. Tripi.

(Sidebar discussion held on the record.)

MR. TRIPI: Judge, it's a -- it's a Rule 602 and a Rule 403 objection.

First, Rule 602. How would this witness know if Mr. Bongiovanni's ever been tested by the DEA? In truth and in fact, he would have no idea.

THE COURT: Well, didn't he already testify that he -- that's why he didn't use marijuana --

MR. SINGER: Correct.

THE COURT: -- that's why he used cocaine.

MR. SINGER: You brought that out on direct.

MR. TRIPI: About being drug tested? I did not.

I -- I brought -- I brought up drug usage.

THE COURT: Yeah, he testified that the reason that he used marijuana --

MR. TRIPI: And not cocaine?

MR. SINGER: The other way around.

MR. TRIPI: Yeah.

THE COURT: Cocaine and not marijuana was because cocaine stays in your system a shorter period of time than marijuana stays in your system.

MR. TRIPI: Yes, that's true. But this

1 cross-examination question asks this witness if he's been drug
2 tested for his job. In truth and in fact, has he been drug
3 tested for his job. That's the way I understand the question.

4 How would this witness know that? Firstly.

5 Secondly, we know from -- sorry about that. We know
6 from the last trial, we -- we don't have access to -- to those
7 records. We don't know one way or the other whether or not
8 this defendant was ever actually tested for controlled
9 substances.

10 I know a lot of DEA agents, I've asked them in prep.
11 Maybe I'll ask some of them at this trial. I'm unaware of any
12 of them ever being actually tested from the Buffalo office.

13 **THE COURT:** What's -- what's the point of the
14 question, Mr. Singer?

15 **MR. SINGER:** So -- so, number 1, it's the talk about
16 how they spoke about the -- the masking or the drug usage and
17 why he used one over the other.

18 **MR. TRIPI:** I have no objection to that.

19 **MR. SINGER:** The second part of it is that as far as
20 the -- it goes to the credibility of the allegations
21 themselves, Judge.

22 If Mr. Bongiovanni is talking to Mr. Selva about
23 getting drug tested when he's using drugs at the same time,
24 there's an element of risk -- there's no guarantee that it's
25 going to wash out of his system right away.

25 | A. From what I -- what I was told was 72 hours.

1 Q. But you'd agree with me that Mr. Bongiovanni is not aware
2 of 100 percent of the time of when he's going to get tested,
3 right?

4 **MR. TRIPI:** Objection, that's Rule 602, as to what
5 Mr. Bongiovanni's aware of.

6 **THE WITNESS:** I don't --

7 **THE COURT:** Stop, stop, stop. Please, Mr. Selva.
8 Please.

9 No, I'm going to allow it, overruled.

10 **THE WITNESS:** I don't know when he's tested.

11 **BY MR. SINGER:**

12 Q. You'd agree with me that it's a pretty risky thing to do
13 as a federal agent to use drugs if you're being tested for
14 drugs, right?

15 A. Correct.

16 Q. Because that's something, to your understanding, that if
17 he tested positive could cause him to lose his job, right?

18 A. Correct.

19 Q. Could cause him to get fired, correct?

20 A. That's correct.

21 Q. Could cause him maybe even to get criminally prosecuted?

22 A. Possibly.

23 Q. But you maintain that he accepted that risk and did it
24 anyway?

25 A. Yes, flush it out of his system.

1 Q. Let's talk a little bit about the stag party in 2014.

2 So, I went through this before. I -- I didn't grow up

3 here in Buffalo so this is something foreign to me. But what

4 I understand about what happens at a Buffalo stag now is

5 that, you know, it's a large event, right?

6 A. Yes.

7 Q. This particular event was down in Iron Works, correct?

8 A. Correct.

9 Q. And this was something that you helped arrange, correct?

10 A. Correct.

11 Q. You rented out the space, right?

12 A. Correct.

13 Q. And it was a larger space, correct?

14 A. Correct. It was a bar-type setting with a big venue,
15 yes.

16 Q. There was a food menu that was -- that was prepared for
17 it, correct?

18 A. Correct. We had a catered, correct.

19 Q. It was kind of an open bar situation; is that right?

20 A. Yes. For a short -- I believe it was draft beer, there
21 were drinks -- I don't recall the arrangement, but yes, it
22 was draft beer.

23 Q. You guys kind of buy the first keg and then everyone's
24 responsible for what happened after that?

25 A. There might have been an open bar period, too. I

12:18PM 1 don't -- I don't recall.

12:18PM 2 Q. People get into the stag by purchasing tickets, right?

12:18PM 3 A. Purchase a ticket, correct.

12:18PM 4 Q. And friends of the groom are the people that sell the

12:18PM 5 tickets, not the groom?

12:18PM 6 A. Correct.

12:18PM 7 Q. So you were one of the particular people who sold the

12:18PM 8 tickets to the stag, correct?

12:18PM 9 A. Correct, myself and others.

12:18PM 10 Q. And other people sold tickets?

12:18PM 11 A. Correct.

12:18PM 12 Q. And these other people, they included family of Joseph

12:19PM 13 Bongiovanni, right?

12:19PM 14 A. Family, friends, correct.

12:19PM 15 Q. They included DEA coworkers of Joseph Bongiovanni,

12:19PM 16 correct?

12:19PM 17 A. I don't know if DEA coworkers sold the tickets. I'm not

12:19PM 18 aware of that.

12:19PM 19 Q. But you are tended the ^ CK AUDIO DEA coworkers did

12:19PM 20 attend, correct?

12:19PM 21 A. Yes.

12:19PM 22 Q. Like you mentioned Joseph Palmieri was one of those

12:19PM 23 people, correct?

12:19PM 24 A. I believe so, yes.

12:19PM 25 Q. And other officers that Joe was friendly with from his

12:19PM 1 office, they came, too? Do you have an understanding?

12:19PM 2 A. I don't recall seeing anyone else that I would recognize.

12:19PM 3 Q. So you don't remember?

12:19PM 4 A. I don't remember.

12:19PM 5 Q. Okay. And, so after all these people sell these tickets,

12:19PM 6 they sell to people who they want to sell to, right?

12:19PM 7 A. Correct.

12:19PM 8 Q. Who may have a close relationship to Joe Bongiovanni,

12:19PM 9 correct?

12:19PM 10 A. Correct.

12:19PM 11 Q. But who also may not have a close relationship to Joe

12:19PM 12 Bongiovanni?

12:19PM 13 A. That's correct.

12:19PM 14 Q. And the people that you sold tickets to, they were people

12:19PM 15 that primarily you hung around with?

12:19PM 16 A. Hung around that knew Joe, yes.

12:19PM 17 Q. That were friends with you, correct?

12:19PM 18 A. Friends with us both, yes.

12:20PM 19 Q. And, so, again, the stag is kind of like -- it's like a

12:20PM 20 baby shower for the groom in some ways?

12:20PM 21 A. Yeah. It's a different way of putting it, yes.

12:20PM 22 Q. Yeah. And so there are profits that are generated at the

12:20PM 23 end of the night, right?

12:20PM 24 A. Yeah, to, like, congratulate the groom, yes.

12:20PM 25 Q. So that's one of the reasons why you sell tickets, it's

1 not just to pay for the event, right?

2 A. Yeah. Whatever's left, you give to the groom and it's
3 kind of like a wedding present.

4 Q. Um-hum. And -- and all the things that you did that
5 night, it -- it was provided to Joe Bongiovanni that -- the
6 profit left over at the end of night, right?

7 A. Yes.

8 Q. And we're talking about, like, more than \$1,000, right?

9 A. I believe so, yes.

10 Q. Yeah. We're talking about a significant amount of money,
11 correct?

12 A. Correct.

13 Q. And that was something that he used to help pay for
14 wedding expenses as you understood it, right?

15 A. I believe so, yes.

16 Q. There were a lot of people that attended the stag,
17 correct?

18 A. Yes.

19 Q. From Joe's family, right?

20 A. Yes. Some. Yes.

21 Q. Family member friends, correct?

22 A. Yes.

23 Q. We talked about the coworkers, right?

24 A. Yes. The one that I remember, yes. There might have
25 been what I didn't know.

12:21PM 1 Q. Okay.

12:21PM 2 A. People -- I didn't know everybody there.

12:21PM 3 Q. Yeah. I mean, and this is, like, 100 people, right?

12:21PM 4 A. Yeah. There was quite a few people, yes. It was a dark

12:21PM 5 venue, it was a bar, it was -- yes.

12:21PM 6 Q. And as far as, like, the older friends, people from the

12:21PM 7 neighborhood kind of people, you mentioned that Wayne

12:21PM 8 Anderson was somebody who attended, right?

12:21PM 9 A. Yes. Wayne attended, yes.

12:21PM 10 Q. You mentioned that Mike Masecchia was another person who

12:21PM 11 attended, right?

12:21PM 12 A. Yes.

12:21PM 13 Q. And they were people, as we talked about earlier, that

12:21PM 14 Joe Bongiovanni grew up with, right?

12:21PM 15 A. Correct.

12:21PM 16 Q. Was friends with back in the day, correct?

12:21PM 17 A. Correct.

12:21PM 18 Q. And there are other people that kind of fell into that

12:21PM 19 same kind of category, correct?

12:21PM 20 A. Correct.

12:21PM 21 Q. Did you sell these individuals tickets?

12:21PM 22 A. To who? Mike Masecchia and those guys?

12:21PM 23 Q. Yeah.

12:21PM 24 A. Yes, I gave them tickets, and then they paid at the door.

12:21PM 25 Q. Um-hum. And because these were people that, you know,

1 you would hang out with a little more frequently than Joe at
2 the time, right?

3 A. I saw them, yes, and told them about the stag, gave them
4 the ticket, and then they showed up.

5 Q. And it's not like Joe has, like, an invite list in
6 advance and says, oh, no, Lou, this person can't come, right?

7 A. No. No.

8 Q. Are you aware of whether or not the profits generated at
9 the stag were used to help pay for your suit?

10 A. I -- I don't know how they were used. It was just given
11 to the groom. I don't know.

12 Q. Would you agree with me that the suit's a wedding
13 expense, right?

14 A. Yes.

15 **MR. SINGER:** How -- how much do you want to go,
16 Judge, before we take a break?

17 **THE COURT:** At least -- how -- how much longer do you
18 have?

19 **MR. SINGER:** I have a while, so --

20 **THE COURT:** Okay. Let's keep going.

21 **MR. SINGER:** Okay.

22 **BY MR. SINGER:**

23 Q. All right. So, let's get a little bit into the Ron Serio
24 drug-trafficking organization.

25 The first statement, Mr. Selva, you've been pretty

12:22PM 1 consistent from the beginning that Ron Serio and Joe
12:22PM 2 Bongiovanni never met each other during the course of this.
12:22PM 3 A. That's correct.
12:22PM 4 Q. They never spoke on the phone, correct?
12:22PM 5 A. Correct.
12:22PM 6 Q. And to your knowledge, the relationship between Ron Serio
12:23PM 7 and Mike Masecchia, that began sometime in the later 2000s,
12:23PM 8 right?
12:23PM 9 A. Correct. No, before -- no, they knew each other before
12:23PM 10 that.
12:23PM 11 Q. So they knew each other before that?
12:23PM 12 A. Yes, they knew each other in -- from early 2000s.
12:23PM 13 Q. So I guess what I'm getting at is that, is that they know
12:23PM 14 each other, and again, we're getting into this know versus --
12:23PM 15 A. Well, they've been -- they've been friends longer than
12:23PM 16 I've -- I've known, longer than this period.
12:23PM 17 Q. Okay. When you say "I," who are you referring to? I'm
12:23PM 18 sorry, I'm a little confused.
12:23PM 19 A. Just myself, longer than the period that was the 2008 to
12:23PM 20 2017. They were friends prior to that.
12:23PM 21 Q. Okay. So you're talking about Ron Serio and Mike
12:23PM 22 Masecchia's relationship?
12:23PM 23 A. Yes. That's what you were asking, correct?
12:23PM 24 Q. Yeah.
12:23PM 25 A. Yes.

1 Q. So Ron Serio and Mike Masecchia's relationship, that
2 extends before 2008?

3 A. Yes.

4 Q. But as far as the business part of it, when -- when Ron
5 was cashing out Mike Masecchia, when do you understand that
6 started?

7 A. Before they've known each other, Mike's been in this
8 quite a while, so it might have been before 2008. I don't
9 know that.

10 Q. Yeah, I guess what I'm getting at is that you don't know
11 when the business relationship between Ron Serio and Mike
12 Masecchia started, right?

13 A. I don't.

14 Q. You know only after you joined the conspiracy, according
15 to you in 2008, that you were aware of that relationship,
16 right?

17 A. That's correct.

18 Q. Okay. And so when you first talked to Mike Masecchia,
19 you're aware of the fact that -- that Masecchia and others
20 that you knew and grew up with, they had this grow operation
21 down in Franklinville or Ellicottville?

22 A. Franklinville, Angelica, yes.

23 Q. And so you're aware of the fact when you entered that Ron
24 Serio was the one who purchased the outdoor grow proceeds,
25 right?

12:24PM 1 A. What do you mean, purchased the --

12:24PM 2 Q. So -- so, Mike Masecchia and others that you mentioned,
12:25PM 3 they would grow the marijuana down in these Southern Tier
12:25PM 4 locations, correct?

12:25PM 5 A. Correct.

12:25PM 6 Q. And so after the marijuana was cultivated and dried out
12:25PM 7 in these two locations --

12:25PM 8 A. Yes, then Ron would -- correct. I'm -- I'm confused.

12:25PM 9 Q. In these two locations, that's when Ron came into the
12:25PM 10 picture?

12:25PM 11 A. Yes. It would be brought to Ron, and he would cash it
12:25PM 12 out, so to speak.

12:25PM 13 Q. Yeah. And when you're saying "cash out," you're saying
12:25PM 14 that --

12:25PM 15 A. Meaning he would purchase it.

12:25PM 16 Q. -- he would pay Mike Masecchia for the marijuana?

12:25PM 17 A. Correct.

12:25PM 18 Q. And then the proceeds would be divvied out between the
12:25PM 19 amount of people that were in the organization?

12:25PM 20 A. Correct.

12:25PM 21 Q. And so you testified yesterday that over time, this
12:25PM 22 relationship between Masecchia and Serio evolves, right?

12:25PM 23 A. It did.

12:25PM 24 Q. It's not just these smaller grow operations in the
12:25PM 25 outdoors in the Southern Tier anymore, right?

12:25PM 1 A. No, it's -- it's grown way beyond that. They had grow
12:25PM 2 rooms and getting it from different locations.

12:26PM 3 Q. Yeah. You talked about how there -- there were different
12:26PM 4 indoor grow locations that started to sprout up, right?

12:26PM 5 A. Yes.

12:26PM 6 Q. You talked about how Ron Serio would source marijuana
12:26PM 7 from places other than these grow locations, right?

12:26PM 8 A. Correct.

12:26PM 9 Q. He'd source marijuana from other people in the drug
12:26PM 10 trade, correct?

12:26PM 11 A. Correct. He -- he expanded quite a bit, yes.

12:26PM 12 Q. Other regions, correct?

12:26PM 13 A. Other regions, yes.

12:26PM 14 Q. Now, eventually, you get involved in the Ron Serio
12:26PM 15 drug-trafficking organization, and you testified yesterday
12:26PM 16 that your purpose was to assist with deliveries of marijuana,
12:26PM 17 like the bulk that you've harvested from these grow
12:26PM 18 operations, right?

12:26PM 19 A. Correct. Help harvest it, and then -- yes.

12:26PM 20 Q. You testified that you would grow seedlings. And, again,
12:26PM 21 I'm sorry, I'm not using the right term, when you're first
12:26PM 22 growing the marijuana before you put these --

12:26PM 23 A. Clones.

12:26PM 24 Q. Clones, that's right. So, you mentioned that, that you
12:26PM 25 would be responsible for growing the clones?

12:27PM 1 A. The clones. And then you transplant them, and then you
12:27PM 2 bring them outdoors.

12:27PM 3 Q. All right. And another aspect of your involvement in
12:27PM 4 this organization is that you also stored marijuana inside of
12:27PM 5 your house, correct?

12:27PM 6 A. Yeah. On a few occasions for Ron, yes.

12:27PM 7 Q. You also grew marijuana inside of your basement, correct?

12:27PM 8 A. Yes. It was a small indoor operation, yes.

12:27PM 9 Q. And like we talked about, you know, one of the key things
12:27PM 10 for you is that you also were the conduit of information in
12:27PM 11 relationship to Joe Bongiovanni, right?

12:27PM 12 A. Correct.

12:27PM 13 Q. Because that's something that Ron Serio didn't have,
12:27PM 14 right?

12:27PM 15 A. Correct.

12:27PM 16 Q. And as we talked about, something Mike Masecchia didn't
12:27PM 17 have, right?

12:27PM 18 A. Correct.

12:27PM 19 Q. All right. So, you claim that there's protection money
12:27PM 20 that's being paid since 2008?

12:27PM 21 A. Correct.

12:27PM 22 Q. And I think you testified that it was -- it was a little
12:27PM 23 bit structured, so at first it was \$2,000 a month; is that
12:27PM 24 right?

12:27PM 25 A. Correct.

1 Q. And eventually that changes to \$4,000 a month?

2 A. Correct. As their operation had evolved, correct.

3 Q. Yeah. And I think you testified that -- that one of the

4 concerns Serio had is that as he expanded, there was more

5 exposure, correct?

6 A. I'm -- I'm sorry, can you repeat that?

7 Q. One of the concerns that Ron Serio had was that as he

8 expanded operations, his exposure expanded, correct?

9 A. Correct.

10 Q. And so he felt like more money paid to Mr. Bongiovanni

11 would help protect him more, correct?

12 A. Correct.

13 Q. And you stated that -- that this continued uninterrupted

14 until April 2017 when Serio was arrested, right?

15 A. Correct.

16 Q. Is it a fair statement, sir, that you haven't been

17 100 percent consistent with authorities about how things

18 happened in the course of this conspiracy?

19 **MR. TRIPI:** Objection, it's vague.

20 **THE COURT:** Yeah.

21 **MR. SINGER:** I can get into the specifics, Judge.

22 I'm just laying the groundwork.

23 **MR. TRIPI:** Objection, vague.

24 **THE COURT:** Yeah, I -- I think you need to get a

25 little more specific, Mr. Singer.

23 Q. But as you explained, he was somebody who you knew and
24 you also knew was involved in this drug-trafficking
25 organization, correct?

12:30PM 1 A. Correct.

12:30PM 2 Q. And you told authorities during that first proffer

12:30PM 3 interview back in August of 2019 that -- that he was the

12:30PM 4 person you first approached about the operation, correct?

12:30PM 5 A. Correct.

12:30PM 6 Q. And that Joe Tomasello at that point in time said, hey,

12:30PM 7 you should talk to Larry Falzone, right?

12:30PM 8 A. No, he said talk to Mike Masecchia.

12:30PM 9 Q. He didn't say talk to Larry Falzone?

12:30PM 10 A. Larry Falzone was a friend. He might have, yes. I don't
12:30PM 11 recall.

12:30PM 12 Q. Yeah. And I guess you also talked to Larry Falzone,

12:30PM 13 according to your first proffer?

12:30PM 14 A. I -- I did, yes. I did speak to Larry Falzone, correct.

12:30PM 15 Q. So you talked to the authorities back in August of

12:30PM 16 2019 --

12:30PM 17 A. Larry was since deceased, too. He's no longer.

12:30PM 18 Q. You spoke to the authorities about -- back in August 2019

12:30PM 19 talking in the first proffer about how you spoke with Joe

12:31PM 20 Tomasello and spoke with Larry Falzone about getting entry

12:31PM 21 into this drug-trafficking organization?

12:31PM 22 A. Yes. They were both good friends with -- they were close

12:31PM 23 with Mike, and they knew what was going on. Like I had

12:31PM 24 mentioned, too, Larry's no longer here.

12:31PM 25 Q. Okay.

12:31PM 1 A. He passed.

12:31PM 2 Q. And then you -- and then after speaking to Tomasello and
12:31PM 3 Falzone, then you stated that you spoke to Mike Masecchia
12:31PM 4 getting involved, right?

12:31PM 5 A. Correct.

12:31PM 6 Q. And you recall talking to authorities about how that
12:31PM 7 conversation with Masecchia about getting involved, that
12:31PM 8 occurred back in 2012 and 2013, according to your first
12:31PM 9 proffer, right?

12:31PM 10 A. Correct.

12:31PM 11 Q. All right. So then fast forward about a week and a half,
12:31PM 12 two weeks later, you sit down for a second proffer with the
12:31PM 13 government, right?

12:31PM 14 A. Okay.

12:31PM 15 Q. Yes?

12:31PM 16 A. Yes.

12:31PM 17 Q. Do you remember that?

12:31PM 18 A. Yes, I do. Yes.

12:31PM 19 Q. Okay. And, your story slightly changed a little bit,
12:31PM 20 right?

12:31PM 21 A. Yes.

12:31PM 22 Q. Like, so, for instance, you talked with authorities at
12:31PM 23 that point in time about how Joe Tomasello was someone who
12:31PM 24 told you about the operation, right?

12:31PM 25 A. Yes.

12:31PM 1 Q. But then you mentioned that you talked directly to Mike
12:32PM 2 Masecchia, right?

12:32PM 3 A. That's correct. Joe -- Joe was more knowledgeable of
12:32PM 4 what was going on, so, yes, I spoke to Joe.

12:32PM 5 Q. And you never got --

12:32PM 6 A. And then I -- then I spoke to Mike.

12:32PM 7 Q. Yeah, and -- and I guess what I'm getting at is you never
12:32PM 8 mentioned Larry Falzone at the second proffer meeting?

12:32PM 9 A. No. Larry was living in California at the time, too,
12:32PM 10 so --

12:32PM 11 Q. Okay. So you mentioned him the first time, but not the
12:32PM 12 second time, Larry Falzone.

12:32PM 13 A. Right. He was a close friend of Mike's.

12:32PM 14 Q. And then you also talked a little bit differently about
12:32PM 15 the time period that you joined into this conspiracy in the
12:32PM 16 second proffer, right?

12:32PM 17 A. Yes.

12:32PM 18 Q. So the first one, we talked about how it was 2012 to
12:32PM 19 2013, right?

12:32PM 20 A. Yes.

12:32PM 21 Q. But the second proffer interview, you shifted backwards
12:32PM 22 to 2010 and 2011, right?

12:32PM 23 A. 2008, '9, that timeframe, I believe. That's when it
12:32PM 24 started.

12:32PM 25 Q. Okay. Well, let's see if we can refresh your

12:32PM 1 recollection.

12:32PM 2 A. Please.

12:32PM 3 **MR. SINGER:** Ms. Champoux, is it possible we could
12:32PM 4 bring up for the witness and only the witness Government
12:32PM 5 Exhibit 3540I at 3? And if we can go to page 3, please.

12:32PM 6 **BY MR. SINGER:**

12:33PM 7 Q. I'd like you to take a look at this document, sir. I'd
12:33PM 8 like you to just see whether this helps refresh your memory
12:33PM 9 about when it was you had this conversation.

12:33PM 10 A. Where am I reading from? The whole --

12:33PM 11 Q. Take a look at that blue dot, sir. Maybe that will help
12:33PM 12 you out.

12:33PM 13 **THE COURT:** And -- and you -- you said you want to
12:33PM 14 refresh his recollection about when he had this conversation?

12:33PM 15 **MR. SINGER:** When he -- when he told in his second
12:33PM 16 proffer interview, when it was he had the conversation with
12:33PM 17 Mr. --

12:33PM 18 **THE COURT:** So, do you understand what he's asking,
12:33PM 19 Mr. Selva?

12:33PM 20 What he's asking you is, does this refresh -- after
12:33PM 21 you read this, he's going to ask you: Does this refresh your
12:33PM 22 recollection about what you told them about when you got
12:33PM 23 involved when you had your second proffer?

12:33PM 24 **THE WITNESS:** Yes.

12:33PM 25 **THE COURT:** Okay. So take a look at this.

12:34PM

1

THE WITNESS: Okay.

12:34PM

2

BY MR. SINGER:

12:34PM

3

Q. Are you good, sir?

12:34PM

4

A. Yes.

12:34PM

5

Q. So, does that help refresh your memory about having that

12:34PM

6

conversation back -- back then in the second proffer

12:34PM

7

interview in 2010, 2011, not 2012, 2013 like you said in the

12:34PM

8

first proffer interview?

12:34PM

9

A. That this was regarding a specific crop. It was coming

12:34PM

10

in, and that was the timeframe.

12:34PM

11

Q. Okay. So that's a different timeframe?

12:34PM

12

A. It was for the -- for that particular incident, yes.

12:34PM

13

Q. All right.

12:34PM

14

MR. SINGER: So if we can take that down,

12:34PM

15

Ms. Champoux.

12:34PM

16

BY MR. SINGER:

12:34PM

17

Q. So, then you testified before the grand jury on

12:34PM

18

October 3rd of 2019, right, Mr. Selva?

12:34PM

19

A. Yes.

12:34PM

20

Q. And at that point in time is when you testified that the

12:35PM

21

conversation you had with Joe Tomasello wasn't in the 2012,

12:35PM

22

2013 or 2010, '11 timeframe, it was in 2008.

12:35PM

23

MR. TRIPI: Objection. This is improper impeachment,

12:35PM

24

Your Honor. The way he's doing it is -- he hasn't set up an

12:35PM

25

inconsistency.

1 **THE COURT:** Well, no. I -- I don't think it is,
2 Mr. Tripi. And -- and I -- I don't think he's impeaching him.
3 I think he's -- he's questioning him about whether his story
4 changed over time. That's -- that's a little different than
5 whether his testimony today is inconsistent with what he said
6 something previously.

7 Am -- am I correct?

8 **MR. SINGER:** That's correct, Judge.

9 **MR. TRIPI:** All right. Then I'll withdraw.

10 **THE WITNESS:** 2008 is when I originally got involved.
11 2010, what you just showed me, was a specific crop
12 that was coming about.

13 **BY MR. SINGER:**

14 Q. Yeah, but what I'm getting at, Mr. Selva, is that do you
15 remember testifying in front of the grand jury in October of
16 2019?

17 A. Yes.

18 Q. And you remember testifying in front of the grand jury
19 that the time you had this conversation about getting
20 involved is 2008 at that point, correct?

21 A. Correct.

22 Q. And that's different than the other times you provide in
23 your previous proffers, correct?

24 A. 2008 is when I did get involved.

25 Q. Okay. But what I'm getting at is, again, you'd agree

1 with me that the timeframe you provided in your first proffer
2 was different than the timeframe you provided to the grand
3 jury, correct?

4 A. I -- I believe so, yes.

5 Q. Okay. And similar, you don't really mention Larry
6 Falzone in the grand jury like you did the first time, right?

7 A. No.

8 Q. So, why the change? Why not mention Larry Falzone?

9 A. Larry was sick. He died. I mean, he was having some
10 issues. He really wasn't -- he was a friend.

11 What I was looking for was a connection to talk to Mike,
12 that was the whole purpose of reaching out to Joe.

13 Larry was close to Mike. And he was also in California.
14 So, I more relied on Joe for that than -- Joe Tomasello than
15 Larry for that.

16 Q. Okay. So you left out Larry in the grand jury, unlike
17 the first time, right?

18 **MR. TRIPI:** Objection.

19 **THE WITNESS:** I mentioned --

20 **MR. TRIPI:** Objection.

21 **THE COURT:** Stop, stop, stop.

22 **MR. TRIPI:** Objection. He hasn't established he was
23 asked about Falzone in the grand jury. That's my objection.

24 **THE COURT:** Okay.

25 **THE WITNESS:** Yeah, I don't remember being --

12:37PM 1 **THE COURT:** Stop, stop, stop.

12:37PM 2 **THE WITNESS:** I'm sorry.

12:37PM 3 **THE COURT:** Mr. Selva, please let me -- let me rule.

12:37PM 4 So that objection is sustained. You can lay more of
12:37PM 5 a foundation.

12:37PM 6 **BY MR. SINGER:**

12:37PM 7 Q. Okay. Let's move on a little.

12:37PM 8 Let's talk about your -- your start date of your
12:37PM 9 involvement. So your claim at trial was that you started in
12:37PM 10 2008, right?

12:37PM 11 A. Correct.

12:37PM 12 Q. But you've also told the authorities different times
12:37PM 13 regarding the start date, correct?

12:37PM 14 A. Correct.

12:37PM 15 Q. So, for instance, you remember when you first had your
12:37PM 16 house raided on August 23rd, 2019, right?

12:37PM 17 A. Yes.

12:37PM 18 Q. And you remember sitting down and talking with police
12:37PM 19 investigators at that time, correct?

12:37PM 20 A. Yes.

12:37PM 21 Q. And you remember talking to them about your involvement
12:37PM 22 in this conspiracy, correct?

12:37PM 23 A. Correct.

12:37PM 24 Q. Do you remember talking to them about how your
12:38PM 25 involvement started in the 2009 to 2010 time period, correct?

12:38PM 1 A. Correct.

12:38PM 2 Q. Do you remember telling them somewhere in the

12:38PM 3 neighborhood of six to seven years prior to that date; is

12:38PM 4 that right?

12:38PM 5 A. Correct.

12:38PM 6 Q. And you recall then shifting a little bit and saying it

12:38PM 7 was three or four years ago at a later point in the

12:38PM 8 conversation you had with agents that morning?

12:38PM 9 A. What's -- yes.

12:38PM 10 Q. And then you also talked to them about how it was five

12:38PM 11 years before Ron Serio's arrest, correct?

12:38PM 12 A. Correct.

12:38PM 13 Q. So, using those kind of guideposts when you first talked

12:38PM 14 to agents about your involvement here, you're talking about

12:38PM 15 2012 to 2017 time period, right?

12:38PM 16 A. Correct. But then as I was involved with the meetings, I

12:38PM 17 became more truthful, and I told them the exact timeframe

12:38PM 18 when I did start, which was 2008.

12:38PM 19 Q. Well, we'll get to that.

12:38PM 20 So as far as your first proffer interview, do you

12:38PM 21 remember talking to them about the conversations you had with

12:38PM 22 Mike Masecchia to get involved?

12:39PM 23 A. Yes.

12:39PM 24 Q. And you remember talking to them about grow operations in

12:39PM 25 your basement; is that right?

12:39PM 1 A. Yes.

12:39PM 2 Q. And you talked about there about how it was five years
12:39PM 3 prior to Ron Serio's arrest that you got involved, right?

12:39PM 4 A. Yes, I said --

12:39PM 5 Q. And again, we're talking 2012, 2017; is that right?

12:39PM 6 A. Well, with -- yes. Well, Ron was always involved. Ron
12:39PM 7 was the one who we would cash out with, so that's being --

12:39PM 8 Q. I don't doubt that. I don't doubt that.

12:39PM 9 A. That -- that's -- that's how I was involved. With Ron
12:39PM 10 from 2008, it would be just cashed out to him.

12:39PM 11 Q. Okay. But when you first talked to the government,
12:39PM 12 whether it was at that initial interview when your house was
12:39PM 13 raided or at the first proffer interview, you weren't talking
12:39PM 14 2008, correct, sir?

12:39PM 15 A. No.

12:39PM 16 Q. All right. So, then getting to September, your second
12:39PM 17 proffer interview, you started talking about how it was a few
12:39PM 18 years ago, right? From 2019?

12:39PM 19 A. 2019 -- what? Can you be more specific?

12:39PM 20 Q. Certainly. So you had your arrest, and you had your
12:40PM 21 second proffer interview on September 11th of 2019, correct?

12:40PM 22 A. I -- I --

12:40PM 23 Q. You didn't have your arrest on the date, but you had the
12:40PM 24 second proffer interview, September 11th, 2019?

12:40PM 25 A. On 2019?

12:40PM 1 Q. Yes.

12:40PM 2 A. Yeah, I -- I don't recall.

12:40PM 3 Q. Okay. You don't recall talking to the government about
12:40PM 4 how --

12:40PM 5 A. I recall but I don't --

12:40PM 6 **THE COURT:** One at a time, guys. One at a time.

12:40PM 7 **BY MR. SINGER:**

12:40PM 8 Q. Your start date was a few years back from 2019?

12:40PM 9 A. I don't recall the date when I did speak to the
12:40PM 10 government. I remember speaking to them about the start
12:40PM 11 date, but I don't recall the date.

12:40PM 12 Q. Okay. And you remember telling them about how it was a
12:40PM 13 few years back from your arrest, correct?

12:40PM 14 A. Correct.

12:40PM 15 Q. All right. And then in your grand jury, kind of similar
12:40PM 16 to trial, is when you first bring up the 2008 date, correct?

12:40PM 17 A. Correct.

12:40PM 18 Q. Do you remember talking to the government about grow
12:40PM 19 equipment in your basement, Mr. Selva?

12:40PM 20 A. Yes.

12:40PM 21 Q. So they first found, the government, grow equipment in
12:40PM 22 your basement going back to that initial search in August of
12:41PM 23 2019, correct?

12:41PM 24 A. Correct.

12:41PM 25 Q. And when agents found that grow equipment, they

12:41PM 1 confronted you about it, correct?

12:41PM 2 A. They did.

12:41PM 3 Q. They talked to you about, you know, when did you start
12:41PM 4 growing marijuana in your basement, correct?

12:41PM 5 A. Correct.

12:41PM 6 Q. And you first told the agents that you started to grow
12:41PM 7 marijuana in your basement during the 2009-2010 time period
12:41PM 8 at that interview, correct?

12:41PM 9 A. Correct.

12:41PM 10 Q. Then later in the same course of events during that day,
12:41PM 11 you tell the agents you hadn't been involved in growing for,
12:41PM 12 like, six to seven years; do you remember that?

12:41PM 13 A. Yes.

12:41PM 14 Q. So we're talking again about the 2012 to 2013 time period
12:41PM 15 where this grow equipment gets installed in your basement?

12:41PM 16 A. Correct.

12:41PM 17 Q. All right. Then in the same interview you went to three
12:41PM 18 to four years ago; do you remember that?

12:41PM 19 A. Yes.

12:41PM 20 Q. And so three to four years ago from 2019, you're talking
12:41PM 21 about 2016-2015 time period at that time, right?

12:42PM 22 A. Correct.

12:42PM 23 Q. And then you told them in the same interview it was about
12:42PM 24 five years ago; do you remember that?

12:42PM 25 A. Correct.

12:42PM 1 Q. So five years from 2014, we're talking about 2014 and
12:42PM 2 that point, correct?

12:42PM 3 A. Yes.

12:42PM 4 Q. So a couple different dates in the same interview, right,
12:42PM 5 sir?

12:42PM 6 A. Yes.

12:42PM 7 Q. Then in your 2013 -- sorry, in your third proffer meeting
12:42PM 8 that you have, just before your grand jury testimony, do you
12:42PM 9 remember talking with the government about how your start
12:42PM 10 date with the grow equipment was going back to 2009?

12:42PM 11 A. Yes. It was actually 2008-2009 timeframe to 2017 that
12:42PM 12 this operation was going on. That's what I told them, and
12:42PM 13 that was what happened.

12:42PM 14 Q. But again, going back. Do you recall in the third
12:42PM 15 proffer just before your grand jury testimony you told them
12:42PM 16 2009, right?

12:42PM 17 A. I -- yes.

12:42PM 18 Q. And then you go into the grand jury two days later, and
12:42PM 19 then that's when you start talking about 2008?

12:42PM 20 A. I made a mistake. The timeframe was 2008 to 2017.

12:43PM 21 Q. But you actually made a mistake about how it was 2013,
12:43PM 22 right?

12:43PM 23 A. Yes. It was not --

12:43PM 24 Q. So, your -- yeah, your initial part of your grand jury
12:43PM 25 testimony, you were talking about 2013, right?

12:43PM 1 **MR. TRIPI:** Objection. Now --

12:43PM 2 **THE COURT:** Yeah. Yes, yes. Sustained.

12:43PM 3 **BY MR. SINGER:**

12:43PM 4 Q. You claim that your involvement in this started in 2008,
12:43PM 5 sir, correct?

12:43PM 6 A. Correct.

12:43PM 7 Q. Do you remember testifying before the grand jury?

12:43PM 8 A. Yes. I told them 2008.

12:43PM 9 Q. You told them 2008?

12:43PM 10 A. That's what I believe, yes.

12:43PM 11 **MR. SINGER:** Ms. Champoux, can you bring up for the
12:43PM 12 witness and only the witness Government Exhibit 3540 November.

12:43PM 13 If you could advance to page 58, Ms. Champoux.

12:43PM 14 **BY MR. SINGER:**

12:44PM 15 Q. Do you remember testifying before the grand jury about,
12:44PM 16 "they were, but my residence became involved in 2013"? Do
12:44PM 17 you remember saying that to the grand jury, sir?

12:44PM 18 **MR. TRIPI:** Objection.

12:44PM 19 **THE COURT:** Sustained. I'm sorry.

12:44PM 20 So if you want to impeach him for this, you need to
12:44PM 21 lay the correct foundation to impeach him if that's what you
12:44PM 22 are trying to do. If.

12:44PM 23 You're trying to impeach him with a prior
12:44PM 24 inconsistent statement, you can do that, but you need to --
12:44PM 25 you need to lay the foundation.

12:45PM 1 **MR. TRIPI:** Judge, I don't know if you want to have
12:45PM 2 argument at the bench, but my position is there's nothing
12:45PM 3 inconsistent, so it's improper impeachment.

12:45PM 4 **THE COURT:** Well, I'm -- that's -- I -- I don't know
12:45PM 5 if there's something inconsistent or not. I'm saying he needs
12:45PM 6 to lay the foundation.

12:45PM 7 **MR. SINGER:** Can we approach real quick, Judge?

12:45PM 8 **THE COURT:** Why don't we take our break now for
12:45PM 9 lunch, and we'll talk about this in your absence.

12:45PM 10 Folks, please remember my instructions, don't talk
12:45PM 11 about this case with anyone including each other. Don't use
12:45PM 12 tools of technology to research the case or learn anything
12:45PM 13 about the case. Don't read, or watch, or listen to any news
12:45PM 14 coverage of the case, if there is any, while the trial is in
12:45PM 15 progress. And don't make up your mind about anything until
12:45PM 16 you start deliberating.

12:45PM 17 We'll come back at 2:00. Thanks.

12:45PM 18 (Jury excused at 12:45 p.m.)

12:46PM 19 **THE COURT:** Okay. Mr. Selva, can you step outside,
12:46PM 20 please?

12:46PM 21 **THE WITNESS:** Sure.

12:46PM 22 **THE COURT:** And you're not to talk with anyone during
12:46PM 23 the break about your testimony. Okay?

12:46PM 24 **THE WITNESS:** Okay.

12:46PM 25 (Witness excused at 12:46 p.m.)

1 **THE COURT:** So as I understand it, there's two
2 different types of impeachment going on here. One is the
3 inconsistency in prior stories, and -- and that's not
4 impeaching with the prior inconsistent statements.

5 In other words, as you brought out on your direct, I
6 think, Mr. Tripi, the -- the story evolved over time. He
7 didn't give as much information during the first interview, as
8 he did during the second, as he did during the third, as he
9 finally did in the grand jury.

10 **MR. TRIPI:** Yeah, impeachment by omissions, I agree.

11 **THE COURT:** That's -- that's -- that's a little
12 different than saying at the grand jury you testified to
13 something different than you're testifying to today.

14 If you want to impeach with that as a prior
15 inconsistent statement, you need to lay the foundation.

16 Did you testify before the grand jury? Did you take
17 an oath? And were you asked these questions and did you give
18 these answers? And then you can lay that out.

19 But -- but it needs to be inconsistent.

20 And I'm not sure whether this is inconsistent with
21 what he's saying today. Tell me why this is inconsistent.

22 **MR. SINGER:** So the inconsistency, Judge, is that the
23 trial testimony was the start date was 2008 --

24 **THE COURT:** Right.

25 **MR. SINGER:** -- for the -- for the grow equipment.

12:47PM

1

THE COURT: Yes.

12:47PM

2

MR. SINGER: For the clone-related stuff.

12:47PM

3

THE COURT: Yes. Sit -- sit down and talk into the

12:47PM

4

microphone.

12:47PM

5

MR. SINGER: Oh, I'm sorry, Judge.

12:47PM

6

THE COURT: Everybody can sit down.

12:47PM

7

MR. SINGER: Thank you. I'll take the invitation.

12:47PM

8

So, the -- at least vis-à-vis the cloning equipment,

12:47PM

9

the grow operations started in his basement in 2008, and

12:48PM

10

that's what he's testifying to --

12:48PM

11

THE COURT: Right.

12:48PM

12

MR. SINGER: -- at the -- at the trial.

12:48PM

13

And then also in the grand jury, he eventually gets

12:48PM

14

there, but his first answer is 2013, and then eventually that

12:48PM

15

changes up.

12:48PM

16

And so the difficulty I was having with the witness

12:48PM

17

on this particular point, Judge, is that he was not able to

12:48PM

18

recall what he said regarding the 2013 date. I'm not going to

12:48PM

19

refresh his recollection because I'm on cross at that point in

12:48PM

20

time. I'm just going to impeach him with the inconsistency in

12:48PM

21

his grand jury testimony --

12:48PM

22

THE COURT: Well, you can do that.

12:48PM

23

MR. SINGER: -- talking about 2013.

12:48PM

24

THE COURT: Well, fine.

12:48PM

25

MR. SINGER: I -- and I thought I laid the proper

1 foundation.

2 **MR. TRIPI:** But, Your Honor --

3 **THE COURT:** No, no. I think you need to -- I think
4 you need to do it the way you impeach with a prior
5 inconsistent statement; that is, the way I just suggested it.
6 Were you asked these questions and did you give these answers?

7 Then, Mr. Tripi, if you say that that's not
8 inconsistent and that he misunderstood the question or
9 whatever, you can rehabilitate him on redirect with other
10 testimony where he said his grow operation was involved and
11 started in 2008.

12 Go ahead. Tell me why I'm wrong.

13 **MR. TRIPI:** No, I -- I understand what you're saying,
14 Your Honor, but -- but I think the initial premise is wrong
15 because to -- to first get the prior inconsistency in, you
16 have to make a threshold determination, I believe, that there
17 is some inconsistency.

18 **THE COURT:** Right.

19 **MR. TRIPI:** So what we're looking at here -- and for
20 several pages back, you go back a couple pages, the witness is
21 talking about beginning in 2008 or 2009. This particular
22 portion, I'm not asking him in grand jury about when the
23 clones were started in his basement.

24 He's talking about in 2013 when they set up the full
25 grow operation in his basement, which is largely consistent

1 in, I think, his trial testimony he might have said 2014, but
2 this is -- this portion is not asking him about the clones
3 in -- in beginning the clones in his basement. So it's not
4 inconsistent. It -- it's just apples and oranges at that
5 point.

6 If you -- if he's asking him --

7 **THE COURT:** So, I -- I -- you're telling me I have to
8 read more of his testimony in order to get what I need to get?

9 **MR. TRIPI:** I'm not suggesting that you should read
10 the whole thing.

11 **THE COURT:** Well, I'm -- you're saying -- so he says,
12 my residence came into play around 2013.

13 That seems to me to be inconsistent fundamentally
14 with his saying that his residence got involved in 2008 when
15 he started the clones and everything else.

16 Now, if -- if that's different because the
17 questioning was on a different topic, I understand. But I --
18 but I don't see that from what I'm looking at right here.

19 **MR. TRIPI:** I -- I understand what you're saying. At
20 the time, I was not asking about clones, I was asking about
21 the grow. That's what this is about. So, to --

22 **MR. SINGER:** I'll make this easy, Judge. If -- if --
23 if that's what's being discussed here and I got it wrong, I'm
24 just going to withdraw the question and move on.

25 **THE COURT:** Okay. So why don't you take a look --

2 **THE COURT:** And let's come back at -- so let's come
3 back in an hour, at ten minutes before 2, and we'll discuss
4 this then. Okay?

6 **THE COURT:** I just -- I want people to understand
7 the -- and maybe I don't understand the evidence rules and --
8 and I'm doing this wrong.

10 **THE COURT:** No, I'm -- I'm not -- I'm not being
11 facetious, I'm being serious. But what I will allow
12 Mr. Singer to cross-examine about inconsistencies in the prior
13 story as it evolved without laying the same foundation --
14 Mr. Tripi, I want you to understand where I'm coming
15 from.

16 -- without laying the same foundation as an
17 inconsistency in a prior statement with what he's testifying
18 to today. That's a -- that's a fundamentally different way of
19 cross-examining, I think --

20 **MR. TRIPI:** Judge, I think you're right. I think you
21 were picking up on the technique he was using quicker than I
22 was in that situation. I agree with you.

23 **THE COURT:** Okay. Great. Good. You don't have to
24 agree with me, but thank you.

25 **MR. TRIPI:** Nope.

12:52PM 1 **THE COURT:** And we'll see you folks in about an hour.

12:52PM 2 Thank you.

12:52PM 3 **MR. TRIPI:** Thank you.

12:52PM 4 **MR. SINGER:** Thank you.

12:52PM 5 (Off the record at 12:52 p.m.)

01:54PM 6 (Back on the record at 1:54 p.m.)

01:54PM 7 (Jury not present.)

01:54PM 8 **THE CLERK:** All rise.

01:54PM 9 **THE COURT:** Please be seated.

01:54PM 10 **THE CLERK:** We are back on the record for the

01:54PM 11 continuation of the jury trial in United States of America

01:54PM 12 versus Joseph Bongiovanni, 19-cr-227.

01:55PM 13 All counsel and parties are present.

01:55PM 14 **THE COURT:** Okay. Mr. Singer?

01:55PM 15 **MR. SINGER:** I had a chance to take a look at that

01:55PM 16 portion of the grand jury transcript. I told Mr. Tripi, I'm

01:55PM 17 just going to withdraw that question, Judge, because his

01:55PM 18 recollection of it is the correct version. It was about the

01:55PM 19 cloning, not the -- I'm sorry, it was about the grow of the

01:55PM 20 marijuana, not the cloning, so --

01:55PM 21 **THE COURT:** Okay. Does anybody want to argue what I

01:55PM 22 said about the rulings on the two different types of

01:55PM 23 cross-examination that Mr. Singer was trying to do?

01:55PM 24 **MR. TRIPI:** No, Your Honor. On reflection, like I

01:55PM 25 said before the break, I think the Court was correctly

1 assessing the cross-examination, so I'm good.

2 **THE COURT:** Okay. Great. Good. Okay.

3 So I don't think the jury's back yet, since we gave
4 them five minutes, so we're early. How's everybody doing?

5 **MR. TRIPI:** Doing great.

6 **THE COURT:** How long do you think you're going to be,
7 Mr. Singer? The rest of the afternoon?

8 **MR. SINGER:** I'll probably be two hours, Judge. We
9 talked about it at the break. We have one witness on standby
10 in case there's something to fill.

11 **THE COURT:** Okay.

12 **MR. COOPER:** We have two witnesses on standby as
13 we're overly optimistic, but I -- I talked with Mr. Singer,
14 and he was kind enough to give us an estimate, and I think if
15 anything we'll get to Mr. Anzalone and maybe just his direct
16 today, maybe the whole thing. Who knows.

17 **THE COURT:** Okay. We'll move as quickly as we can.
18 That's all we can do.

19 **MR. SINGER:** But I think, like we were talking about
20 yesterday, once we get through Mr. Selva, I mean, we're going
21 to start to pick --

22 **THE COURT:** Pick up quickly.

23 **MR. SINGER:** -- up the pace, yes.

24 **THE COURT:** I hope so.

25 **MR. COOPER:** Keep it moving.

01:57PM 1 **MR. TRIPI:** We are. Yeah, the plan is a lot of
01:57PM 2 shorter witnesses for next -- the beginning of next week, at
01:57PM 3 least give us the perception of progress. You know, so --
01:57PM 4 **THE COURT:** Yeah, I know. So the week of the 16th, I
01:57PM 5 know we have a juror with some issues.
01:57PM 6 **THE CLERK:** We're waiting for one juror, still on 2.
01:57PM 7 **THE COURT:** Okay. That's fine.
01:57PM 8 (Off the record at 1:57 p.m.)
01:57PM 9 (Back on the record at 2:02 p.m.)
02:02PM 10 (Jury not present.)
02:02PM 11 **THE COURT:** All here?
02:02PM 12 **OFFICER DANAHEY:** All here.
02:02PM 13 **THE COURT:** Ready to go?
02:02PM 14 **MR. TRIPI:** Yes.
02:02PM 15 **MR. SINGER:** Yes.
02:02PM 16 **THE COURT:** So let's get the witness back in.
02:02PM 17 Let's bring the jury back in first, Joe. Thank you.
02:02PM 18 (Witness and jury seated at 2:02 p.m.)
02:03PM 19 **THE COURT:** The record will reflect that all our
02:03PM 20 jurors are present.
02:03PM 21 I will remind the witness that he's still under oath.
02:03PM 22 Mr. Singer, you may continue.
02:03PM 23 **MR. SINGER:** Thank you.
02:03PM 24 **BY MR. SINGER:**
02:03PM 25 Q. Welcome back, Mr. Selva.

02:03PM 1 A. Thank you.

02:03PM 2 Q. So we left off talking about what was happening back at
02:04PM 3 the house with regards to the grow equipment, so I want to
02:04PM 4 move on to a different subject then. And one of the things
02:04PM 5 you testified about as well at this trial was that at some
02:04PM 6 point in time, you alleged that Mr. Bongiovanni smelled
02:04PM 7 marijuana growing in your basement; do you remember that
02:04PM 8 testimony on that?

02:04PM 9 A. Yes.

02:04PM 10 Q. So you testified, when was it that Mr. Bongiovanni
02:04PM 11 smelled that, according to your memory?

02:04PM 12 A. He stopped over in 2014, '15, that timeframe.

02:04PM 13 Q. Okay. So 2014-2015 is --

02:04PM 14 A. Yes.

02:04PM 15 Q. -- when you think that occurred?

02:04PM 16 A. Yes.

02:04PM 17 Q. Okay. And you weren't consistent with that statement
02:04PM 18 during your course of time speaking with investigators,
02:04PM 19 right?

02:04PM 20 A. Not that I recall.

02:04PM 21 Q. Yeah. So do you remember back at your first proffer
02:04PM 22 meeting how you talked about how Mr. Bongiovanni -- I'm
02:04PM 23 sorry.

02:04PM 24 Do you remember back at your first proffer meeting back
02:04PM 25 in August of 2019 about how you alleged that Mr. Bongiovanni

02:05PM 1 smelled this in 2016; do you remember saying that to
02:05PM 2 investigators?

02:05PM 3 A. Yes.

02:05PM 4 Q. Yes. And then the second proffer interview, something
02:05PM 5 that moves to 2014, to your memory, correct?

02:05PM 6 A. Correct.

02:05PM 7 Q. And then when you go into the grand jury, you talk about
02:05PM 8 2014, right?

02:05PM 9 A. Correct.

02:05PM 10 Q. But you also mentioned that it could be 2015, correct?

02:05PM 11 A. Correct. It was within that -- those time frames, he
02:05PM 12 stopped over, and it was in my house and it could be smelled.

02:05PM 13 Q. So you'd agree with me that, you know, again, we're
02:05PM 14 talking about different dates, different times you talked to
02:05PM 15 investigators and juries about this, right?

02:05PM 16 A. Correct.

02:05PM 17 Q. So different times you talked to investigators or other
02:05PM 18 people about this, the times changed, correct?

02:05PM 19 A. It didn't change. It was consistent. I mean, between
02:05PM 20 that that timeframe of 2014, '16, '17, I -- I don't remember
02:05PM 21 exactly what date, but it was within what timeframe.

02:05PM 22 Q. Okay. So within that four-year timeframe you're alleging
02:05PM 23 this occurred?

02:05PM 24 A. Yes.

02:05PM 25 Q. All right. So I want to get into a little bit about your

1 testimony regarding the bribe amounts.

2 So you testified that the initial bribe payments that you
3 allege were made here started at a \$2,000 a month figure,
4 correct?

5 A. Correct.

6 Q. And then eventually, that was increased to \$4,000 a
7 month, correct?

8 A. Correct.

9 Q. So I want to get into a little bit of the sequence of
10 events. You talked in your testimony to the jury about how
11 sequentially the -- the \$2,000 figure came up, because that's
12 the initial figure that you proposed to Mr. Bongiovanni,
13 right?

14 A. Correct.

15 Q. And that initial proposal was made by you and eventually
16 accepted by him, correct?

17 A. Correct.

18 Q. And then later on, how long ago -- how -- how -- how far
19 into the bribe payments did things change regarding \$4,000?

20 A. As their operation expanded, it went up.

21 Q. Yeah. And I guess what I'm getting at is what's the
22 timeframe on that?

23 A. Between 2012, '11. 2011, '12, that timeframe, all of the
24 way to the end at 2017.

25 Q. So this is something that you allege began in 2008,

02:07PM 1 right?

02:07PM 2 A. Yes.

02:07PM 3 Q. Payments increased sometimes in 2012, 2011 time period?

02:07PM 4 A. 2011, '12. Right around that timeframe. It was a

02:07PM 5 three-year timeframe, and then it went up --

02:07PM 6 Q. Okay. So it was three years the 2,000 figure -- sorry --

02:07PM 7 so it was -- sorry --

02:07PM 8 A. And then it increased.

02:07PM 9 **MR. SINGER:** Sorry about that, Ann.

02:07PM 10 **THE WITNESS:** Sorry.

02:07PM 11 **BY MR. SINGER:**

02:07PM 12 Q. So -- so, then after that three-year time period,

02:07PM 13 roughly, then it increased to \$4,000, correct?

02:07PM 14 A. That's correct.

02:07PM 15 Q. Okay. So with regard to that, so, you remember talking

02:07PM 16 about -- with investigators in your first proffer meeting

02:08PM 17 that there was an initial rejection of the \$2,000 figure,

02:08PM 18 correct?

02:08PM 19 A. Correct.

02:08PM 20 Q. And do you remember talking to them about, when this was

02:08PM 21 rejected initially, you went back to Mike Masecchia and Ron

02:08PM 22 Serio to say, look, he needs more money, and then there was a

02:08PM 23 proposal to make it \$4,000 a month, correct?

02:08PM 24 A. That was later on, yes.

02:08PM 25 Q. Well, what I'm talking about is in your first proffer

02:08PM 1 interview with the government, sir. All right?

02:08PM 2 A. Yes.

02:08PM 3 Q. So in the first proffer interview, you talked about a

02:08PM 4 \$2,000 figure being offered, correct?

02:08PM 5 A. Right, correct.

02:08PM 6 Q. And you talked about that \$2,000 figure being rejected by

02:08PM 7 Mr. Bongiovanni, correct?

02:08PM 8 A. Correct.

02:08PM 9 Q. And then you talked about going back to Mike Masecchia

02:08PM 10 and Ron Serio about the rejected offer, and then asking them

02:08PM 11 to propose more per month, correct?

02:08PM 12 A. Not right away, no.

02:08PM 13 Q. Not right away?

02:08PM 14 A. No, no.

02:08PM 15 Q. You don't remember talking to investigators about that?

02:08PM 16 A. I told them I'd have to talk to him, he didn't feel

02:08PM 17 comfortable, he rejected it, and I went back, and then

02:08PM 18 eventually it was receptive.

02:08PM 19 Q. So, do you recall in your second proffer interview also

02:09PM 20 talking to the government about a \$2,000 offer to

02:09PM 21 Mr. Bongiovanni?

02:09PM 22 A. Yes.

02:09PM 23 Q. And do you recall about that initial offer being

02:09PM 24 rejected?

02:09PM 25 A. It was, because he did not feel comfortable.

02:09PM 1 I told you, guarding his career, he did not feel
02:09PM 2 comfortable doing it.

02:09PM 3 Q. And do you recall talking to investigators after that
02:09PM 4 proffer interview about how Mr. Masecchia, after the
02:09PM 5 rejection, directs you to offer \$4,000 to Mr. Bongiovanni?

02:09PM 6 A. That was later on that that was accepted, yes.

02:09PM 7 Q. Let's see if we can refresh your recollection on that
02:09PM 8 point, sir.

02:09PM 9 **MR. SINGER:** Ms. Champoux, can you bring up for the
02:09PM 10 witness and only the witness Government Exhibit 3540I, as in
02:09PM 11 India.

02:09PM 12 And if you can turn to page 4 of the document,
02:09PM 13 Ms. Champoux.

02:09PM 14 **BY MR. SINGER:**

02:09PM 15 Q. I'll direct your attention to these top bullets.

02:09PM 16 If you can read through that, sir, to see if that
02:09PM 17 refreshes your memory about what you told government
02:10PM 18 investigators back in your second proffer.

02:10PM 19 A. Okay.

02:10PM 20 Q. So did you have an opportunity to review that document,
02:10PM 21 sir?

02:10PM 22 A. Yes.

02:10PM 23 Q. Does that refresh your memory about telling investigators
02:10PM 24 in your second proffer interview that the increased figure
02:10PM 25 was from 2,000 to 4,000 before it was agreed to?

02:10PM 1 A. Yes.

02:10PM 2 Q. And --

02:10PM 3 **MR. SINGER:** You can take that down, Ms. Champoux.

02:10PM 4 Thank you.

02:10PM 5 **BY MR. SINGER:**

02:10PM 6 Q. And the reason why you say that Mr. Bongiovanni agreed to

02:11PM 7 this in your second proffer was that he agreed that the

02:11PM 8 \$4,000 was a fair price, right?

02:11PM 9 A. Correct.

02:11PM 10 Q. So in this particular meeting, what you're saying is that

02:11PM 11 the \$4,000 figure didn't happen later on, but happened right

02:11PM 12 away, correct?

02:11PM 13 A. Right now?

02:11PM 14 Q. I'm talking about in that second proffer meeting that we

02:11PM 15 were just talking about. That second proffer meeting you

02:11PM 16 told investigators that the \$4,000 figure happened off the

02:11PM 17 bat, correct?

02:11PM 18 A. It happened at -- after the original offer of 2,000,

02:11PM 19 that's when it happened. It went to 4,000.

02:11PM 20 Q. But that's not what you told investigators back in your

02:11PM 21 second proffer interview, correct?

02:11PM 22 A. Correct. But it did increase.

02:11PM 23 Q. Okay. So, again, just focusing on the second proffer.

02:11PM 24 A. Okay.

02:11PM 25 Q. Can you do that?

02:11PM 1 A. Yes.

02:11PM 2 Q. What you told investigators was that you proposed 2,000,
02:11PM 3 right?

02:11PM 4 A. Correct.

02:11PM 5 Q. Mr. Bongiovanni rejected 2,000, correct?

02:11PM 6 A. Correct.

02:11PM 7 Q. You then told investigators you went back to Masecchia
02:11PM 8 and Serio to ask for more money, correct?

02:11PM 9 A. Correct.

02:12PM 10 Q. They offered \$4,000, correct?

02:12PM 11 A. Correct.

02:12PM 12 Q. You made that offer to Mr. Bongiovanni?

02:12PM 13 A. Correct.

02:12PM 14 Q. And then he agreed to that as a fair price?

02:12PM 15 A. Correct.

02:12PM 16 Q. And that was from the beginning, correct?

02:12PM 17 A. No, not from the beginning.

02:12PM 18 Q. That's what you told investigators back in the second
02:12PM 19 proffer interview, right, sir?

02:12PM 20 A. Yes.

02:12PM 21 Q. Okay. Thank you.

02:12PM 22 So, then in the third proffer interview that you had, you
02:12PM 23 told the same thing to the investigators, the 2,000 at first
02:12PM 24 that was rejected, and the \$4,000 was eventually accepted,
02:12PM 25 right?

02:12PM 1 A. Yes.

02:12PM 2 Q. And then you go into the grand jury, correct?

02:12PM 3 A. Correct.

02:12PM 4 Q. And inside the grand jury, you actually add something new
02:12PM 5 for the first time; do you remember that?

02:12PM 6 **MR. TRIPI:** Objection as to --

02:12PM 7 **THE WITNESS:** I don't recall.

02:12PM 8 **MR. TRIPI:** -- form.

02:12PM 9 **THE COURT:** Yeah, sustained.

02:12PM 10 **MR. SINGER:** Okay. I'll rephrase, Judge. I will
02:12PM 11 withdraw.

02:12PM 12 **BY MR. SINGER:**

02:12PM 13 Q. Do you recall in your grand jury testimony talking about
02:12PM 14 how at first you approached Mr. Bongiovanni and asked him
02:13PM 15 whether or not he'd be willing to do this for free? To
02:13PM 16 provide information and protection to you and others based on
02:13PM 17 your relationship alone?

02:13PM 18 A. In the beginning, yes.

02:13PM 19 Q. So, you talked about how you wanted Mr. Bongiovanni's
02:13PM 20 help, but there was no money offer proposed the first time,
02:13PM 21 right?

02:13PM 22 A. The first part, the beginning.

02:13PM 23 Q. Okay. So that's a change in the sequence; you'd agree
02:13PM 24 with me on that, correct?

02:13PM 25 A. Correct.

02:13PM 1 Q. And then you testified about how Mr. Bongiovanni rejected
02:13PM 2 that, and it caused some problems between the two of you,
02:13PM 3 right?

02:13PM 4 A. Correct.

02:13PM 5 Q. You guys didn't talk for a few months after that?

02:13PM 6 A. Not a few months, a few weeks. A little -- little time
02:13PM 7 went by.

02:13PM 8 Q. A few weeks?

02:13PM 9 A. A little time went by.

02:13PM 10 Q. A little time when by?

02:13PM 11 A. Yes.

02:13PM 12 Q. And then after that period of time, you say that

02:13PM 13 Masecchia asked you, hey, can you go back to Joe with a
02:13PM 14 \$2,000 a month figure, correct?

02:13PM 15 A. He had talked it over with Ron, yes.

02:13PM 16 Q. And that's something that you claim that you eventually
02:13PM 17 did go back and propose to Mr. Bongiovanni, correct?

02:14PM 18 A. Correct.

02:14PM 19 Q. But that was four to six months, based on what you told
02:14PM 20 the grand jury, after this initial conversation, right?

02:14PM 21 A. I believe so, correct.

02:14PM 22 Q. So there's a period of time that intervenes, correct?

02:14PM 23 A. Yes.

02:14PM 24 Q. And I think you talked about it yesterday on direct
02:14PM 25 examination. The proposal here was linked up with the grow

02:14PM 1 season, right?

02:14PM 2 A. In the beginning, yes.

02:14PM 3 Q. So you initially proposed this offer at the beginning of
02:14PM 4 the grow season, right?

02:14PM 5 A. Correct.

02:14PM 6 Q. And based on what you told the grand jury, four to six
02:14PM 7 months later, that's at the end of the grow season, right?

02:14PM 8 A. Correct.

02:14PM 9 Q. Okay.

02:14PM 10 A. But it was still going on. There were still other things
02:14PM 11 happening.

02:14PM 12 Q. And you'd agree with me that -- that when you testified
02:14PM 13 yesterday about how you made an initial offer to
02:14PM 14 Mr. Bongiovanni that was rejected, and then went back to him
02:14PM 15 a week or so later --

02:14PM 16 A. That's correct.

02:14PM 17 Q. -- that would be different than what you told the grand
02:14PM 18 jury back in 2019, correct?

02:14PM 19 A. Correct.

02:14PM 20 Q. So in the grand jury, there's also a change regarding the
02:15PM 21 sequence based on what the figure was started at, correct?

02:15PM 22 A. I don't recall, but I just remember proposing the \$2,000.

02:15PM 23 Q. Sure. So --

02:15PM 24 A. Originally it was just to watch out for me, and then it
02:15PM 25 increased.

02:15PM 1 Q. Yeah. So we talked about your proffer interviews where
02:15PM 2 you said that the -- the initial starting figure was \$4,000;
02:15PM 3 do you remember that?

02:15PM 4 A. Yes.

02:15PM 5 Q. But in the grand jury, you changed that to the first
02:15PM 6 proposal of 2,000 was accepted, right?

02:15PM 7 A. Correct, for that timeframe. Yes.

02:15PM 8 Q. And then there was a time period where \$2,000 was in
02:15PM 9 place, correct?

02:15PM 10 A. It was -- it was increased, correct.

02:15PM 11 Q. And then after roughly a three-year period, it was
02:15PM 12 increased to \$4,000, correct?

02:15PM 13 A. That's correct.

02:15PM 14 Q. So that's different than what you told investigators in
02:15PM 15 your proffers, correct?

02:15PM 16 A. Well, I -- I don't recall what I told the -- I told them
02:16PM 17 that timeframe. I told them the amount, and when it did
02:16PM 18 increase.

02:16PM 19 Q. Yes.

02:16PM 20 A. That's what I remember.

02:16PM 21 Q. Yes. And you told them that it was \$4,000 to start in
02:16PM 22 the beginning of your proffers, correct?

02:16PM 23 A. Correct.

02:16PM 24 Q. But in the grand jury, you changed that it was \$2,000.

02:16PM 25 A. Because that went back to 2008. Correct.

02:16PM 1 Q. Okay. So, with regard to the reason for the increase,
02:16PM 2 the reason for the increase was predicated on Mr. Serio's
02:16PM 3 desire for greater protection, correct?

02:16PM 4 A. Correct. He was expanding, and he was doing different
02:16PM 5 things, correct.

02:16PM 6 Q. And Mr. Serio was concerned about the expansion of his
02:16PM 7 operations would expose him to greater scrutiny by
02:16PM 8 investigators?

02:16PM 9 A. Correct.

02:16PM 10 Q. And the reason why the \$4,000 figure was proposed was
02:16PM 11 because he wanted Mr. Bongiovanni to do more than what he
02:16PM 12 currently was doing, correct?

02:16PM 13 A. Correct. They were asking more, correct.

02:17PM 14 Q. So, it was not because Mr. Bongiovanni said, hey, Joe --
02:17PM 15 sorry, hey, Lou, I need extra money, right?

02:17PM 16 A. No. It was because their -- again, like I just
02:17PM 17 mentioned, their operation was expanding. And he had
02:17PM 18 obligations, and there was more to be asked for him.

02:17PM 19 So they said, propose an offer of \$4,000, because we're
02:17PM 20 asking more.

02:17PM 21 Q. So yesterday you testified on direct that one of the
02:17PM 22 reasons why the figure was increased was because Joe
02:17PM 23 allegedly went up to you and said, hey, I need more money,
02:17PM 24 this is not working out; do you remember testifying to that
02:17PM 25 yesterday?

02:17PM 1 A. Yes. Yes. His expenses were increasing, the operation
02:17PM 2 was expanding, so it only made sense. He was -- if we're
02:17PM 3 gonna ask more, we're gonna pay more. But his situation was
02:17PM 4 changing, too.

02:17PM 5 Q. But you just recall testifying, sir, that the impetus for
02:17PM 6 this increase was not based on anything that he allegedly
02:17PM 7 said, it was what Ron Serio wanted, correct?

02:18PM 8 A. That was the proposal, yes.

02:18PM 9 Q. Yeah. Ron Serio proposed the 4,000, because he wanted
02:18PM 10 greater protection, right?

02:18PM 11 A. Because it was expanding, yes.

02:18PM 12 Q. And that's why you brought back the \$4,000 figure to
02:18PM 13 Mr. Bongiovanni?

02:18PM 14 A. Yes. And his expenses were increasing, he was under
02:18PM 15 stress, he would express to me different things regarding his
02:18PM 16 expenses. And I said, this can help. This would be a way to
02:18PM 17 help achieve that.

02:18PM 18 Q. So you're saying it was both now?

02:18PM 19 A. It was. It was both. I mean, I got the offer because
02:18PM 20 their operation was expanding, and at the same time, his
02:18PM 21 expenses were expanding. So it kind of coincided with one
02:18PM 22 another.

02:18PM 23 Q. Okay. We talked a little bit about that initial proposal
02:18PM 24 that you had made in your -- as you testified in the grand
02:18PM 25 jury, that you went up to Mr. Bongiovanni just as a friend

1 and say, hey, are you willing to help me out, are you willing
2 to protect me, right?

3 A. Watch my back, yes.

4 Q. Yep. And that was without any type of monetary offer
5 attached, correct?

6 A. In the beginning, yes.

7 Q. But you didn't mention that yesterday, right?

8 A. No, it was in the beginning. It was in an initial
9 conversation.

10 Q. Yeah. Yesterday you testified that Mr. Bongiovanni
11 rejected your initial offer, right?

12 A. He did, yes.

13 Q. And but then he said something to the effect of don't
14 worry, Lou, I got your back, right?

15 A. That's what he said, yes.

16 Q. But that's not in the context of the conversation that
17 you proposed to the grand jury back in 2019, right?

18 A. I don't recall what I said then.

19 Q. Well, you told them, we just went through it. You told
20 the --

21 **MR. TRIPI:** Objection, improper impeachment.

22 **THE COURT:** Yeah, that's -- that's sustained.

23 You can go back and do it, Mr. Singer.

24 **MR. SINGER:** I know, Judge, but I think at this
25 point --

02:19PM

1 THE COURT: But you can --

02:19PM

2 MR. SINGER: -- we don't need to --

02:19PM

3 THE COURT: -- you can use the transcript, go ahead.

02:20PM

4 BY MR. SINGER:

02:20PM

5 Q. So, with regard to Mr. Bongiovanni's request that he made

02:20PM

6 to you that Mr. Serio should -- should give up a grow house;

02:20PM

7 do you remember talking about that on -- on your testimony?

02:20PM

8 A. Yes.

02:20PM

9 Q. And you testified about how this was something that

02:20PM

10 Mr. Bongiovanni felt might -- might help him in some ways?

02:20PM

11 A. Yes.

02:20PM

12 Q. And perhaps might help Mr. Serio in some ways, correct?

02:21PM

13 A. Yes, through -- well, more Mr. Bongiovanni.

02:21PM

14 Q. And you brought back this proposal from Mr. Bongiovanni

02:21PM

15 to Mr. Serio and Mr. Masecchia, correct?

02:21PM

16 A. Correct.

02:21PM

17 Q. And this was a particular meeting that you had with Mike

02:21PM

18 Masecchia and Ron Serio at The Western Door where you

02:21PM

19 discussed this, correct?

02:21PM

20 A. Correct.

02:21PM

21 Q. And you testified that that meeting occurred sometime in

02:21PM

22 2010 to 2011, right?

02:21PM

23 MR. TRIPI: Objection.

02:21PM

24 THE WITNESS: 2011, I --

02:21PM

25 MR. TRIPI: Objection.

25	A. I do.
----	----------

02:22PM 1 Q. And you testified under oath at that proceeding, correct?

02:22PM 2 A. Yes.

02:22PM 3 Q. And you swore to tell the truth at that proceeding,
02:22PM 4 correct?

02:22PM 5 A. Yes.

02:22PM 6 Q. And you testified to the best of your ability, correct?

02:22PM 7 A. Correct.

02:22PM 8 **MR. SINGER:** Ms. Champoux, would you mind bringing up
02:22PM 9 for the witness and the witness only Government Exhibit
02:22PM 10 3540AH, alpha hotel?

02:22PM 11 And if you can please turn to page 262 of the
02:22PM 12 document.

02:22PM 13 **BY MR. SINGER:**

02:22PM 14 Q. Do you also recall, Mr. Selva, linking up this
02:23PM 15 conversation that you had regarding the need for a bust with
02:23PM 16 an increase in the payment for Mr. Bongiovanni regarding his
02:23PM 17 compensation, correct?

02:23PM 18 A. Correct. Right.

02:23PM 19 Q. And do you remember providing the following answers to
02:23PM 20 the following questions?

02:23PM 21 Question: --

02:23PM 22 **THE COURT:** What line?

02:23PM 23 **MR. SINGER:** Line 6, Judge.

02:23PM 24 **BY MR. SINGER:**

02:23PM 25 Q. "Now there was a meeting at The Western Door. Do you

1 remember you were asked questions about that?"

2 A. Yes.

3 Q. "Answer: Yes."

4 A. Yes.

5 **THE COURT:** Let him ask the question.

6 **THE WITNESS:** I'm sorry.

7 **BY MR. SINGER:**

8 Q. "Question: I think on cross you stated that meeting was
9 a different meeting though; is that right?

10 "Answer: But it was still regarding the operation.

11 "Question: Okay. Regarding the operation, but not the
12 original negotiation?

13 "Answer: Correct.

14 "Question: What was the meeting at The Western Door
15 about? Tell the jury.

16 "Answer: The meeting at The Western Door was to talk
17 about a proposal, they wanted to make \$4,000.

18 "Question: Was there information about a bust that was
19 discussed there, giving a bust -- giving Joe a bust?

20 "Answer: Yes.

21 "Question: Describe that conversation.

22 "Answer: Ron had mentioned that he can feed information
23 for Joe through Mike or myself that something was going on to
24 kind of deteriorate things a little bit."

25 **MR. SINGER:** Ms. Champoux, can you turn to the next

page, please. To 263, thank you.

BY MR. SINGER:

Q. "Question: Did the defendant ask you anything about helping him out?

"Answer: Helping? Yes, he did.

"Question: What did the defendant ask you?

"Answer: He asked me if Ron could provide someone that he knows that is of a less significance to help push the trail off a little bit, so to speak. Give him a bust, give him something.

"Question: Ultimately, that was not agreed to, correct?

"Answer: Correct. It was not.

"Question: Was that discussed in the meeting at The Western Door as far as you recall it?

"Answer: As far as I recall, yes."

MR. SINGER: You can bring that down, Ms. Champoux.

BY MR. SINGER:

Q. So that meeting about the \$4,000, that goes back to the 2011 --

MR. TRIPI: Objection.

BY MR. SINGER:

Q. -- 2012 period, correct?

THE COURT: Yes.

MR. TRIPI: Objection.

THE COURT: Sustained.

02:25PM 1 **MR. TRIPI:** That was consistent with his testimony,
02:25PM 2 and there wasn't a timeframe, Your Honor.

02:25PM 3 **THE COURT:** And he wasn't asked a question about that
02:25PM 4 testimony that you read. You didn't ask him if he was asked
02:25PM 5 those questions and did you give those answers, and I'm --
02:25PM 6 Why don't you come up?

02:25PM 7 **MR. SINGER:** Judge --
02:25PM 8 (Sidebar discussion held on the record.)

02:25PM 9 **THE COURT:** What's the inconsistency?

02:25PM 10 **MR. SINGER:** So the issue is that he's -- he's
02:25PM 11 claiming that this conversation occurred in 2014.

02:25PM 12 The conversation, based on his testimony previously,
02:25PM 13 occurred at an earlier date, which was this Western Door
02:25PM 14 conversation, which occurred before that time.

02:25PM 15 **THE COURT:** How do you know that?

02:25PM 16 **MR. TRIPI:** Your Honor --

02:25PM 17 **MR. SINGER:** Because -- because it's linked up with
02:25PM 18 the \$4,000 payment.

02:25PM 19 The \$4,000 proposal is something that they discussed
02:25PM 20 back in the 2011, '12 time period that Mr. Selva has
02:25PM 21 consistently testified about. Not in 2014, as he just
02:26PM 22 testified earlier.

02:26PM 23 So I'm trying to establish the fact that he testified
02:26PM 24 that this conversation about the bust is linked to the
02:26PM 25 conversation about the \$4,000 increase, and as a result, it

1 happened at an earlier time period than he's testifying here
2 today in court.

3 **THE COURT:** Okay. I get that. But I'm not so sure
4 that -- that what you just read was impeachment because
5 there's nothing about anything that he said there --

6 I mean, I think you can ask him "so, The Western Door
7 meeting was when the \$4,000 was brought up."

8 **MR. SINGER:** Yeah, that's the basic fact I'm trying
9 to establish.

10 **THE COURT:** And The Western Door meeting happened
11 when?

12 **MR. SINGER:** According to his testimony, it happened
13 sometime in the 2011 or 2012 time period.

14 **MR. TRIPI:** That's the problem with the -- the page
15 that was shown, there's no timeframe in that.

16 **THE COURT:** Right.

17 **MR. TRIPI:** So if there's another timeframe somewhere
18 else, maybe, I -- I don't recall the entire transcript --

19 **THE COURT:** I don't either. That's the --

20 **MR. TRIPI:** -- but that page didn't do it.

21 **THE COURT:** I have that same -- I have that same
22 problem. I mean, I -- I don't see how that establishes the
23 timeframe. I think you can -- you can ask questions about
24 that.

25 **MR. SINGER:** I can do it in another way, Judge --

02:27PM

1

THE COURT: Okay.

02:27PM

2

MR. SINGER: -- if the Court's not inclined.

02:27PM

3

THE COURT: Okay.

02:27PM

4

(End of sidebar discussion.)

02:27PM

5

THE COURT: Okay. So the objection is sustained.

02:27PM

6

You can ask another question.

02:27PM

7

BY MR. SINGER:

02:27PM

8

Q. So, Mr. Selva, the \$4,000 proposal to Mr. Bongiovanni

02:27PM

9

that you discussed with Mr. Masecchia and with Ron Serio; do

02:27PM

10

you remember that?

02:27PM

11

A. Yes.

02:27PM

12

Q. That's -- that's something that you discussed at The

02:27PM

13

Western Door meeting, correct?

02:27PM

14

A. Yes.

02:27PM

15

Q. And the conversation also included the proposal from

02:27PM

16

Mr. Bongiovanni that Ron Serio offer up a bust, correct?

02:27PM

17

A. Correct.

02:27PM

18

Q. That conversation regarding \$4,000, right, the

02:27PM

19

increase --

02:27PM

20

A. Correct.

02:27PM

21

Q. -- that's something that you testified earlier occurred

02:28PM

22

back in 2011, 2012, right?

02:28PM

23

A. Correct.

02:28PM

24

Q. So, the conversation about the bust, by extension, also

02:28PM

25

happened back in 2011, 2012, right?

02:28PM 1 A. It happened at that dinner, yes.

02:28PM 2 Q. That's what I'm getting at, sir.

02:28PM 3 A. Yes, yes.

02:28PM 4 Q. So the two are linked, right?

02:28PM 5 A. Yes. It was a conversation over dinner.

02:28PM 6 Q. The request for the bust and the \$4,000 increase occurred
02:28PM 7 at the same dinner?

02:28PM 8 A. Correct.

02:28PM 9 Q. It occurred at The Western Door?

02:28PM 10 A. Correct.

02:28PM 11 Q. It occurred, best of your memory, sometime between 2011
02:28PM 12 and 2012?

02:28PM 13 A. That's correct.

02:28PM 14 Q. So you're aware of the fact that the DEA in Buffalo had
02:28PM 15 not opened up an investigation into Ron Serio until 2013,
02:28PM 16 right?

02:28PM 17 A. I -- I'm not aware of the exact date.

02:28PM 18 Q. You're not aware of the exact date that Mr. Bongiovanni
02:28PM 19 opened up an investigation?

02:28PM 20 A. No, I'm not.

02:28PM 21 Q. Would you agree with me, sir, that it would be a little
02:29PM 22 difficult to bust a grow house when you don't have an open
02:29PM 23 investigation?

02:29PM 24 A. Yes.

02:29PM 25 Q. So I want to get into a little bit some of the

02:29PM 1 information that was provided by Mr. Bongiovanni to you.

02:29PM 2 So, again, you are the person that Mr. Bongiovanni met up
02:29PM 3 with for information, right?

02:29PM 4 A. Correct.

02:29PM 5 Q. You were the conduit that provided requests to him from
02:29PM 6 Ron Serio and Mike Masecchia?

02:29PM 7 A. Correct.

02:29PM 8 Q. And you were also the conduit who provided responses back
02:29PM 9 to Mike Masecchia and Ron Serio that you got from

02:29PM 10 Mr. Bongiovanni, allegedly, right?

02:29PM 11 A. That's correct.

02:29PM 12 Q. And Mr. Masecchia, he wasn't involved in that role,
02:29PM 13 correct?

02:29PM 14 A. No, it was just myself.

02:29PM 15 Q. He was the payment guy, right?

02:29PM 16 A. Yes. Ron was, to him --

02:29PM 17 Q. Yeah.

02:30PM 18 A. -- yes.

02:30PM 19 Q. Yeah. Ron was the person who --

02:30PM 20 A. Yes.

02:30PM 21 Q. -- provided the money --

02:30PM 22 A. Yes.

02:30PM 23 Q. -- right?

02:30PM 24 A. Yes.

02:30PM 25 Q. And Mr. Masecchia was the one who provided Joe

02:30PM 1 Bongiovanni the money --

02:30PM 2 A. Yes.

02:30PM 3 Q. -- right?

02:30PM 4 A. Correct.

02:30PM 5 Q. Okay. And again, you didn't see Mike Masecchia pay

02:30PM 6 Mr. Bongiovanni, because you weren't part of those meetings,

02:30PM 7 right?

02:30PM 8 A. No.

02:30PM 9 Q. Okay. So, you testified yesterday that when you met up

02:30PM 10 with Mr. Bongiovanni to discuss information that either he

02:30PM 11 had or you were asking for, you had met up in public places,

02:30PM 12 right?

02:30PM 13 A. Yes.

02:30PM 14 Q. You met up in public places like bars?

02:30PM 15 A. Yes.

02:30PM 16 Q. And you would agree with me, I mean, you're a bartender.

02:30PM 17 A bar is not the most secretive places in a world, right?

02:30PM 18 A. That depends where you are. If you're alone on a corner

02:30PM 19 or sitting at a table, then you're alone.

02:30PM 20 Q. Okay.

02:30PM 21 A. Nobody can hear you.

02:30PM 22 Q. But a bar is a public place, right?

02:30PM 23 A. It's a public place, correct.

02:30PM 24 Q. And you said that you met out Mr. Bongiovanni to

02:31PM 25 socialize with him, right?

02:31PM

1 A. Correct.

02:31PM

2 Q. You went out during days of the week, right?

02:31PM

3 A. On occasion, yes.

02:31PM

4 Q. And these were after working hours, right?

02:31PM

5 A. Yes.

02:31PM

6 Q. Times that people go to bars, correct?

02:31PM

7 A. Correct.

02:31PM

8 Q. And there was a bartender present during some of these

02:31PM

9 meetings, correct, I'm assuming?

02:31PM

10 A. Who served us alcohol, yes.

02:31PM

11 Q. And so your testimony is that you had these conversations

02:31PM

12 about this criminal conspiracy in this public place?

02:31PM

13 A. Yes. But there was no one around. I mean, away from --

02:31PM

14 away from people when I was asking questions.

02:31PM

15 We'd either be sitting at a table or be sitting alone.

02:31PM

16 Q. So that was a risk that you were willing to accept as

02:31PM

17 part of the --

02:31PM

18 A. It was loud. If you lean over and you ask somebody a

02:31PM

19 question in their ear, that's it. I don't think anyone

02:31PM

20 else -- I wasn't aware of anyone eavesdropping. So it was in

02:31PM

21 a public place like you mentioned, it was in a bar, yes.

02:31PM

22 Q. So, again, I'll go back to my question.

02:31PM

23 You accepted the risk to have these conversations in a

02:31PM

24 public place like a bar?

02:31PM

25 A. Yes, it was a brief -- a brief conversation, and then

02:32PM 1 we'd continue to socialize.

02:32PM 2 Q. And Mr. Bongiovanni, according to you, also accepted that
02:32PM 3 risk to have these public conversations -- to have these
02:32PM 4 conversations in a public place like a bar?

02:32PM 5 A. They were brief conversations. There was no attention
02:32PM 6 being drawn to us. We were just two guys just getting
02:32PM 7 together, either standing at a bar alone, or sitting at a
02:32PM 8 table alone --

02:32PM 9 Q. Ron --

02:32PM 10 A. -- in conversation.

02:32PM 11 Q. -- Ron Serio accepted that risk?

02:32PM 12 A. I'm sorry?

02:32PM 13 Q. Ron Serio accepted that risk?

02:32PM 14 A. Yes. I told him where I was meeting him. I told Mike to
02:32PM 15 tell Ron where we were gonna meet.

02:32PM 16 Q. And Mike Masecchia, the guy who didn't really meet up
02:32PM 17 with Mr. Bongiovanni much at all, he accepted that risk as
02:32PM 18 well?

02:32PM 19 A. I didn't see it really as a risk. I mean, we were
02:32PM 20 friends. We were just socializing.

02:32PM 21 Q. You talked a little bit about lists that were provided to
02:32PM 22 you of people to check into; do you remember that?

02:32PM 23 A. Yes.

02:32PM 24 Q. And, so, some of these lists, they dealt with people who
02:32PM 25 Mr. Serio viewed as a potential threat to the organization?

02:33PM 1 A. Correct.

02:33PM 2 Q. And other people on these lists dealt with people who --
02:33PM 3 concerned people that -- that Ron Serio wanted to make sure
02:33PM 4 were -- were protected in some way, right?

02:33PM 5 A. Correct.

02:33PM 6 Q. Because they had some type of connection to the
02:33PM 7 organization?

02:33PM 8 A. Correct.

02:33PM 9 Q. So, I want to talk a little bit about those lists.

02:33PM 10 So, you haven't always been consistent with investigators
02:33PM 11 about -- about how you received this information, whether
02:33PM 12 it's on a written list or spoken, right?

02:33PM 13 A. It was -- it was on a written list that was given from
02:33PM 14 Ron to Mike to me. Then I would rewrite it on a piece of
02:33PM 15 paper. That's what I told investigators.

02:33PM 16 Q. Yeah, I guess that's what I'm getting at is that so -- do
02:33PM 17 you recall testifying before the grand jury that the list of
02:33PM 18 names, like, you never got a list of names of anybody; do you
02:33PM 19 remember saying that in the grand jury?

02:33PM 20 A. I don't recall that.

02:33PM 21 Q. You don't recall talking in the grand jury about -- about
02:34PM 22 not receiving a list of names of people who -- who deserve
02:34PM 23 some protection?

02:34PM 24 **MR. TRIPI:** Objection, hearsay.

02:34PM 25 **THE COURT:** Sustained.

02:34PM

1

BY MR. SINGER:

02:34PM

2

Q. Do you recall testifying about how people showed up on

02:34PM

3

these lists, about how you got them?

02:34PM

4

A. No, they were provided by Ron. I don't -- I don't

02:34PM

5

recall. It was a list, it was from Ron, given to Mike, given

02:34PM

6

to me.

02:34PM

7

Q. And this list you testified that -- that you hand copied

02:34PM

8

this list onto something you could palm in your hand?

02:34PM

9

A. It was a piece of notebook paper.

02:34PM

10

Q. And you didn't provide that list of names to

02:34PM

11

Mr. Bongiovanni directly, right? You talked about the names?

02:34PM

12

A. We talked about the names, yes, off the list.

02:34PM

13

Q. This was at these bars, right?

02:34PM

14

A. Or wherever we were at, yes.

02:34PM

15

Q. So as far as the list of people was concerned, do you

02:34PM

16

remember talking about how the list of people that you were

02:35PM

17

concerned about as far as threats of the organization, that

02:35PM

18

was one of those lists, right?

02:35PM

19

MR. TRIPI: Objection, "talk about," I'm confused.

02:35PM

20

THE COURT: Yeah.

02:35PM

21

MR. TRIPI: Is he talking about testimony in court

02:35PM

22

or --

02:35PM

23

MR. SINGER: Let me -- let me -- let me break it down

02:35PM

24

a little bit, Judge.

25

Q. Do you remember talking to the grand jury about providing a certain number of names to Mr. Bongiovanni to check out if they were threats to the organization?

A. I remember the list. Whatever was on the list, I provided.

Q. Yeah, and so I guess --

A. Yes.

Q. -- who -- who was it that was on this list for you to check out?

A. They were associates of Mr. Serio's. People that he'd known and he was concerned about.

Q. What names, Mr. Selva?

A. I -- I don't recall the names. I mean, they were names that were given from Ron, to -- to Mike, to me. And then just had them checked out.

Q. You talked about some of those names yesterday.

A. Some of those names yesterday: Frank Burkhardt, R.K., T.S., Baker -- Chris Baker I believe was one. I don't recall more than that. I don't recall the rest of them.

Q. Do you remember telling the grand jury about -- about Burkhardt and R.K.?

A. I do.

Q. Do you remember telling the grand jury about T.S. and Mario Vacanti?

02:36PM 1 A. I do.

02:36PM 2 Q. Do you remember telling the grand jury about some guy
02:36PM 3 named Dave Mitchkay?

02:36PM 4 A. Yes. He was on the one list, yes.

02:36PM 5 Q. All right. Mike Sinatra?

02:36PM 6 A. Yes.

02:36PM 7 Q. And these were people that you wanted checked out because
02:36PM 8 they were potential threats to the organization, right?

02:36PM 9 A. Yes. Ron was doing business with them, yes. He was
02:36PM 10 concerned.

02:36PM 11 Q. Do you remember in February talking about -- about
02:36PM 12 Mitchkay?

02:36PM 13 **MR. TRIPI:** Objection, hearsay.

02:36PM 14 **THE COURT:** Yeah, in -- in February, I don't -- I
02:36PM 15 don't -- what are you -- what are you talking about?

02:36PM 16 **BY MR. SINGER:**

02:36PM 17 Q. Do you remember testifying at a prior hearing in this
02:36PM 18 matter and talking about how Dave Mitchkay should be checked
02:36PM 19 out?

02:36PM 20 **MR. TRIPI:** Objection.

02:36PM 21 **THE COURT:** Yeah, sustained.

02:36PM 22 You need to focus him on the testimony. You've got
02:36PM 23 the testimony, focus him on the testimony.

02:36PM 24 **BY MR. SINGER:**

02:36PM 25 Q. So, in your testimony yesterday, you never mentioned a

02:37PM 1 guy by the name of Siwiec or Siwek, right?

02:37PM 2 A. Yeah, Dave Siwiec was just a friend. He had nothing to
02:37PM 3 do with this.

02:37PM 4 Q. Do you remember talking about how he was a potential
02:37PM 5 person to check into?

02:37PM 6 **MR. TRIPI:** Objection. Remember, when?

02:37PM 7 **BY MR. SINGER:**

02:37PM 8 Q. Do you remember testifying at a prior hearing in this
02:37PM 9 matter in February about how Mr. Siwek or Siwiec was someone
02:37PM 10 that Mr. Serio directed you to look into?

02:37PM 11 A. No, that -- that -- that's not true. He was never -- I
02:37PM 12 don't believe they were friends, Mr. Siwiec and Mr. Serio.

02:37PM 13 Q. So you talked about how after you provided these names to
02:37PM 14 Mr. Bongiovanni, your testimony yesterday, that -- that he --
02:37PM 15 he checked out these people; is that right?

02:37PM 16 A. That's correct.

02:37PM 17 Q. And as far as other people, you also mentioned that
02:37PM 18 individuals who Mr. Serio wanted protection for in the
02:37PM 19 organization who were working with him or for him in some
02:37PM 20 ways, you also passed names like that to Mr. Bongiovanni; is
02:37PM 21 that right?

02:37PM 22 A. People of concern, yes.

02:38PM 23 Q. And sometimes phone numbers as well?

02:38PM 24 A. Yes.

02:38PM 25 Q. And, so, as far as those individuals are concerned, the

02:38PM 1 people who wanted protection or something along those lines,
02:38PM 2 who are those people? What are their names?
02:38PM 3 A. I don't recall. Whatever was on the list. I don't
02:38PM 4 recall. Do you have something to refresh my memory?
02:38PM 5 I don't remember every name on the list.
02:38PM 6 Q. How many names are we talking?
02:38PM 7 A. I don't know, maybe six, eight, nine, I don't recall.
02:38PM 8 Whatever was on the list.
02:38PM 9 Q. Do you remember if Tom Serio was on that list?
02:38PM 10 A. I don't believe Tom Serio was on the list.
02:38PM 11 Q. You knew Tom Serio to be Ron Serio's brother?
02:38PM 12 A. That's Ron's brother, correct.
02:38PM 13 Q. And you knew him to be part of Ron Serio's
02:38PM 14 drug-trafficking organization, right?
02:38PM 15 A. I believe so, yes.
02:38PM 16 Q. And Mark Falzone was someone you were familiar with,
02:38PM 17 correct?
02:38PM 18 A. Yes.
02:38PM 19 Q. He was someone who Ron Serio dealt with directly,
02:38PM 20 correct?
02:38PM 21 A. Correct, he was not on the list.
02:38PM 22 Q. He wasn't on the list?
02:38PM 23 A. No.
02:38PM 24 Q. But he was someone who dealt directly with Ron Serio,
02:39PM 25 right?

02:39PM 1 A. But he was his best friend.

02:39PM 2 Q. Okay.

02:39PM 3 A. They were best friends.

02:39PM 4 Q. But you'd agree with me that it would be important to

02:39PM 5 find out whether Mark Falzone was under investigation, right?

02:39PM 6 A. I understand, but it was never asked.

02:39PM 7 Q. So Ron Serio never asked you to take and make sure that

02:39PM 8 he was protected?

02:39PM 9 A. Not that --

02:39PM 10 **MR. TRIPI:** Objection.

02:39PM 11 **BY MR. SINGER:**

02:39PM 12 Q. So Ron Serio never asked you make sure that Mark Falzone

02:39PM 13 was protected?

02:39PM 14 **THE COURT:** Don't answer.

02:39PM 15 **MR. TRIPI:** I'll withdraw the -- I'll withdraw the

02:39PM 16 objection. There were two different --

02:39PM 17 **THE COURT:** Fine.

02:39PM 18 **MR. TRIPI:** -- words put in there. So --

02:39PM 19 **MR. SINGER:** I misspoke, Judge.

02:39PM 20 **THE COURT:** You can answer that question.

02:39PM 21 **THE WITNESS:** Can you repeat the question?

02:39PM 22 **BY MR. SINGER:**

02:39PM 23 Q. So, Ron Serio never asked you to check into whether or

02:39PM 24 not Mark Falzone was someone who was a subject of an

02:39PM 25 investigation?

02:39PM 1 A. No.

02:39PM 2 Q. Chris Baker was a name that you had also mentioned; do
02:39PM 3 you remember that?

02:39PM 4 A. Yes. I believe he was -- that name was familiar. It was
02:39PM 5 on the list, yes.

02:39PM 6 Q. He was somebody who Ron Serio dealt with, right?

02:39PM 7 A. I believe so, yes.

02:39PM 8 Q. But you believe that he was somebody who Ron Serio asked
02:39PM 9 you to ask Mr. Bongiovanni to take a look into and make sure
02:40PM 10 he was all clear?

02:40PM 11 A. I believe so. If he was on the list, then yes.

02:40PM 12 Q. I don't know. You tell me.

02:40PM 13 A. I -- again, I said I'm not really familiar with who was
02:40PM 14 on the list. I mean, that name sounded familiar. I'm
02:40PM 15 sure -- I believe he might have been on the list, yes.

02:40PM 16 If he was on the list, yes.

02:40PM 17 Q. Was -- was Mike Moynihan somebody who was on this list?

02:40PM 18 A. Again, I -- it sounds familiar. I believe he might have
02:40PM 19 been.

02:40PM 20 Q. What about Mike Buttitta? Was he on the list?

02:40PM 21 A. I do not believe Mike Buttitta was on the list, no.

02:40PM 22 Q. How about Charles Butera?

02:40PM 23 A. Who?

02:40PM 24 Q. Charles Butera?

02:40PM 25 A. I don't recall.

02:40PM 1 Q. What about John Robinson?

02:40PM 2 A. I don't recall.

02:40PM 3 Q. What about Mark Vitale?

02:40PM 4 A. Who?

02:40PM 5 Q. Mark Vitale?

02:40PM 6 A. I don't recall that name either.

02:40PM 7 Q. How about Jacob Martinez?

02:40PM 8 A. Sir, again, I -- I -- I don't recall.

02:40PM 9 I mean, again, the list was given to me, and it was

02:40PM 10 handed, I wrote it down. I don't remember all the names.

02:41PM 11 Q. How about Anthony Greco?

02:41PM 12 A. I don't believe -- I don't recall.

02:41PM 13 Q. Matt LoTempio?

02:41PM 14 A. I -- I don't recall.

02:41PM 15 Q. Anthony Gerace?

02:41PM 16 A. No, I don't recall.

02:41PM 17 Q. Jarrett Guy?

02:41PM 18 A. I'm sorry?

02:41PM 19 Q. Jarrett Guy.

02:41PM 20 A. I don't know that, I don't recall.

02:41PM 21 Q. How about Santiago Gale?

02:41PM 22 A. I -- I don't recall.

02:41PM 23 Q. Mark Kagan?

02:41PM 24 A. He might have been -- I believe he might have been one of

02:41PM 25 the names. Again, I -- it was vague, sir. It was a list.

02:41PM 1 It was given to me, it was handed over. After I wrote it
02:41PM 2 down, handed over.

02:41PM 3 Q. Well, you testified that you didn't hand it over, though,
02:41PM 4 right?

02:41PM 5 A. Relayed. Sorry.

02:41PM 6 Q. Okay.

02:41PM 7 A. Asked, relayed.

02:41PM 8 Q. So, again, you didn't hand over any list --

02:41PM 9 A. Right.

02:41PM 10 Q. -- to Mr. Bongiovanni allegedly, right?

02:41PM 11 A. Relayed the names on the list.

02:41PM 12 Q. Okay. How about Mike Piazza, was he on the list?

02:41PM 13 A. I don't recall. I don't believe so, no.

02:41PM 14 Q. So -- so, you don't really recall a lot of these names
02:42PM 15 that were passed to make sure that these people were
02:42PM 16 protected?

02:42PM 17 A. Not the ones that you mentioned, I don't recall, but
02:42PM 18 there were names on a list.

02:42PM 19 Q. These people that I just named off, you understood them
02:42PM 20 to have a connection to Ron Serio, right?

02:42PM 21 A. Correct.

02:42PM 22 Q. You understood them to be in the marijuana business with
02:42PM 23 him, right?

02:42PM 24 A. Not all of them. I mean, if -- if they were connected to
02:42PM 25 Ron, he put them on -- and he was worried about them, he

02:42PM 1 asked, he wrote it on a list. Then I would do my due
02:42PM 2 diligence.

02:42PM 3 Q. From those people I just discussed, who was involved in
02:42PM 4 the marijuana business with Ron Serio to the best of your
02:42PM 5 understanding?

02:42PM 6 A. I -- you mentioned his brother. Chris Baker. I don't --
02:42PM 7 I don't remember the rest of the names said.

02:42PM 8 Q. Mark Falzone?

02:42PM 9 A. Mark Falzone.

02:42PM 10 Q. Mike Moynihan?

02:42PM 11 A. Yes.

02:42PM 12 Q. Mike Buttitta?

02:43PM 13 A. Yes.

02:43PM 14 Q. Charles Butera?

02:43PM 15 A. I'm not sure.

02:43PM 16 Q. John Robinson.

02:43PM 17 A. That sounds familiar, yes. Sounds familiar that he was
02:43PM 18 doing business with Ron.

02:43PM 19 Q. Mark Vitale?

02:43PM 20 A. I'm not sure.

02:43PM 21 Q. Jacob Martinez?

02:43PM 22 A. That doesn't sound familiar.

02:43PM 23 Q. Anthony Greco?

02:43PM 24 A. No, that doesn't sound familiar.

02:43PM 25 Q. Matt LoTempio?

02:43PM 1 A. That doesn't sound familiar.

02:43PM 2 Q. Anthony Gerace?

02:43PM 3 A. Yes.

02:43PM 4 Q. Jarrett Guy?

02:43PM 5 A. I'm sorry, what was that name?

02:43PM 6 Q. Jarrett Guy.

02:43PM 7 A. It sounds familiar.

02:43PM 8 Q. Santiago Gale?

02:43PM 9 A. I -- again, I -- I -- it doesn't sound familiar. I don't

02:43PM 10 know.

02:43PM 11 Q. Mark Kagan?

02:43PM 12 A. That names sounds familiar, that was on the list.

02:43PM 13 Q. Mike Piazza?

02:43PM 14 A. That name was not on the list.

02:43PM 15 Q. Not on the list?

02:43PM 16 A. I don't believe so.

02:43PM 17 Q. Did you understand Mr. Serio to have dealings with T.S.

02:43PM 18 in the marijuana business?

02:43PM 19 A. Yes. T.S. is one, yes.

02:44PM 20 **MR. SINGER:** Ms. Champoux, can you bring up for the

02:44PM 21 witness and the witness only if we can go to Government

02:44PM 22 Exhibit 100A.1, please.

02:44PM 23 If we can go to the 716-830-3226 hot sheet.

02:44PM 24 **BY MR. SINGER:**

02:44PM 25 Q. Have you ever seen this document before, sir.

02:44PM 1 A. I have not, no.

02:44PM 2 Q. That number that I just stated, the 716-830-3226 number,
02:45PM 3 you know that to be Ron Serio's cell number, correct?

02:45PM 4 A. Yes.

02:45PM 5 Q. This was the cell phone that was his public phone, for
02:45PM 6 lack of a better word?

02:45PM 7 A. His primary phone, yes.

02:45PM 8 Q. Yeah.

02:45PM 9 **MR. SINGER:** So, I know this document is not in
02:45PM 10 evidence, but Judge, I -- I expect this to be admitted at some
02:45PM 11 later date, and so I'd like to ask these questions subject to
02:45PM 12 connection.

02:45PM 13 **THE COURT:** Ask the questions, and we'll see what
02:45PM 14 Mr. Tripi says.

02:45PM 15 **BY MR. SINGER:**

02:45PM 16 Q. So you see this list before you, sir?

02:45PM 17 A. Yes.

02:45PM 18 Q. And do you see a number of phone numbers on it related to
02:45PM 19 individuals who had contact with Ron Serio's cell phone?

02:45PM 20 A. Yes.

02:45PM 21 Q. And so, do you see Chris Baker on that list?

02:45PM 22 A. I do, yes.

02:45PM 23 Q. And do you see how this record reflects that there were
02:45PM 24 446 contacts?

02:45PM 25 **MR. TRIPI:** Objection.

02:46PM

1 **THE COURT:** Sustained.

02:46PM

2 If you can get the document in, you can -- can ask
3 him questions about it after it's in, but you can't -- you
4 can't do that until the document's in.

02:46PM

02:46PM

5 **MR. SINGER:** No, I mean, I can -- I can always recall
6 him, Judge. So, I mean, if that's what we're gonna have to
7 do, but it is what it is.

02:46PM

02:46PM

8 **BY MR. SINGER:**

02:46PM

9 Q. Do you see a Thomas Serio on that list, sir?

02:46PM

10 A. Yes.

02:46PM

11 Q. Do you see a Mike Buttitta on that list, sir?

02:46PM

12 A. I do.

02:46PM

13 Q. Do you see a T.S. on that list, sir?

02:46PM

14 A. Yes, yes.

02:46PM

15 Q. Do you see another number for Chris Baker on that list?

02:46PM

16 A. On the bottom, yes.

02:46PM

17 **MR. SINGER:** Ms. Champoux, can you go to the second
18 page? Thanks, Ms. Champoux.

02:46PM

02:47PM

19 **BY MR. SINGER:**

02:47PM

20 Q. Do you see a Mike Masecchia on that list?

02:47PM

21 A. I do, yes.

02:47PM

22 Q. Do you see a Mike Moynihan on the list?

02:47PM

23 A. Yes.

02:47PM

24 Q. Do you see a Mark Kagan on that list?

02:47PM

25 A. Yes.

02:47PM 1 Q. Do you see a Mark Falzone on that list?

02:47PM 2 A. On the bottom, yes.

02:47PM 3 **MR. SINGER:** Ms. Champoux, can you go to the third
02:47PM 4 page of the document, please.

02:47PM 5 If you can bring that down, Ms. Champoux.

02:47PM 6 **BY MR. SINGER:**

02:48PM 7 Q. So you talked a little bit about Tom Serio. He was Ron's
02:48PM 8 Serio's brother, right?

02:48PM 9 A. Yes.

02:48PM 10 Q. And he was involved in Ron Serio's drug-trafficking
02:48PM 11 organization, correct?

02:48PM 12 A. Yes.

02:48PM 13 Q. What particular information did Joe Bongiovanni share
02:48PM 14 with you regarding investigations into Tom Serio?

02:48PM 15 A. He mentioned that he got busted before for cocaine. I
02:48PM 16 believe he did a little time that. Other than that, nothing.

02:48PM 17 Q. He provided you no other information about Tom Serio?

02:48PM 18 A. No. Nothing that I remember, no.

02:48PM 19 Q. Nothing else?

02:48PM 20 A. No, sir. Nothing else at that time, no.

02:48PM 21 Q. Did he talk to you about how Tom Serio was under
02:48PM 22 investigation by the DEA by a different agent than him?

02:48PM 23 A. Not at that time, no. What timeframe are you talking
02:48PM 24 about again?

02:48PM 25 Q. I'm talking about during the course of this conspiracy,

02:48PM

1 sir?

02:48PM

2 A. No, sir.

02:48PM

3 Q. So, Joe Bongiovanni provided you absolutely no

02:49PM

4 information about Tom Serio being under investigation?

02:49PM

5 A. No, sir, just regarding that he had a prior record and he

02:49PM

6 did time for possession of cocaine. That was it.

02:49PM

7 Q. Did Joe Bongiovanni talk to you about any type of phones

02:49PM

8 that were being tracked by the DEA regarding Tom Serio?

02:49PM

9 A. No.

02:49PM

10 Q. Did he talk to you about any type of photographs that

02:49PM

11 were being taken of Tom Serio's vehicle?

02:49PM

12 A. No.

02:49PM

13 Q. Did he talk to you about any type of entries into the

02:49PM

14 DEA's DARTS system regarding Tom Serio's phone number?

02:49PM

15 A. No.

02:49PM

16 Q. Did he talk to you about anything involving a guy by the

02:49PM

17 name of G.R.?

02:49PM

18 A. No.

02:49PM

19 Q. Did he talk to you about any type of HSI investigations

02:49PM

20 into Tom Serio?

02:49PM

21 A. No.

02:49PM

22 Q. Anthony Gerace. He was somebody who you said was part of

02:50PM

23 the Serio drug-trafficking organization?

02:50PM

24 A. Yes.

02:50PM

25 Q. What information did Mr. Bongiovanni share with you

1 regarding Anthony Gerace besides what you told him about how
2 he helped him out in APD allegedly?

3 A. Just that he -- prior to what I said that he had gotten
4 arrested, and he stepped in to help him with Amherst PD.
5 That's -- that's it. No information.

6 Q. So you received no other information about Anthony Gerace
7 whatsoever?

8 A. No.

9 Q. Did Mr. Bongiovanni share with you the fact that Special
10 Agent Tony Casullo opened an investigation into Anthony
11 Gerace in 2016?

12 A. No.

13 **MR. TRIPI:** Objection as to timeframe. 2016?

14 **THE COURT:** He said in 2016, so overruled.

15 **BY MR. SINGER:**

16 Q. Did Mr. -- Mr. Bongiovanni ask you about -- sorry, inform
17 you about any investigations that Mr. Casullo at the DEA
18 opened up into Anthony Gerace in 2017?

19 A. He mentioned that Mr. Casullo didn't like his brother,
20 Peter. There was no -- no mention about that. Not that I
21 recall.

22 Q. So nothing else?

23 A. Not that I recall.

24 Q. Did Mr. Bongiovanni provide you any information regarding
25 a person named Santiago Gale?

02:51PM 1 A. No.

02:51PM 2 Q. Were you aware of the fact that Gale was a supplier of
02:51PM 3 Ron Serio?

02:51PM 4 A. I -- I was not. I don't -- I don't know who Santiago
02:51PM 5 Gale was.

02:51PM 6 Q. You don't know who he was?

02:51PM 7 A. No.

02:51PM 8 Q. But you never heard his name out of Joe Bongiovanni's
02:52PM 9 mouth, huh?

02:52PM 10 A. No, no.

02:52PM 11 Q. I mentioned the name Mark Vitale. Did you receive any
02:52PM 12 information regarding a Mark Vitale?

02:52PM 13 A. No, not familiar.

02:52PM 14 Q. We talked a little bit about the Suppas?

02:52PM 15 A. Yes.

02:52PM 16 Q. And it was on their property that you and Michael
02:52PM 17 Masecchia and others were conducting outdoor grow activities,
02:52PM 18 right?

02:52PM 19 A. Not on their property.

02:52PM 20 Q. Yeah, I think we talked about this. So it wasn't
02:52PM 21 actually their property where the grow was happening, right?

02:52PM 22 A. It was not on their property, no. It was on state land
02:52PM 23 near their property.

02:52PM 24 Q. Yeah. So the -- so the state land was where the grow
02:52PM 25 was, right?

02:52PM 1 A. Correct.

02:52PM 2 Q. But the logistics hub for that grow was the Suppas'
02:52PM 3 property, correct?

02:52PM 4 A. Mark Suppa was the owner of that, yes.

02:53PM 5 Q. That's how -- that's where you would drive down to get to
02:53PM 6 the grow site, right?

02:53PM 7 A. Yes.

02:53PM 8 Q. That's where you guys would sometimes dry out the
02:53PM 9 marijuana after it was harvested?

02:53PM 10 A. A few occasions, yes.

02:53PM 11 Q. And you'd -- you'd use that as your base of operations
02:53PM 12 for water and stuff like that?

02:53PM 13 A. No, we would water at the -- at the site through a --
02:53PM 14 with a creek. It was always near a water facility.

02:53PM 15 We didn't transport water from there, if that's what
02:53PM 16 you're asking, no.

02:53PM 17 Q. No, but I guess -- I guess what I'm getting at is that
02:53PM 18 you'd you use that for a base of operations for -- for
02:53PM 19 storing all the buckets for where you did this, right?

02:53PM 20 A. Sure. On -- on the land, yes.

02:53PM 21 Q. Were you ever made aware of any type of DEA investigation
02:53PM 22 into the Suppas?

02:53PM 23 A. I believe there was -- a while back, I heard something
02:53PM 24 that there was an investigation, and they cut some plants
02:53PM 25 down that were not on their land, but right next door --

02:53PM 1 Q. Okay.

02:53PM 2 A. -- near on the state land. I heard about that a while
02:53PM 3 ago.

02:53PM 4 Q. Were you ever aware that Suppa himself was the target of
02:53PM 5 a DEA investigation?

02:53PM 6 A. Which Suppa? There's three of them.

02:54PM 7 Q. Mark.

02:54PM 8 A. No. Mark lived in Chicago. He was -- as far as I knew,
02:54PM 9 he was never involved in drug trafficking.

02:54PM 10 Q. What about Matt?

02:54PM 11 A. No.

02:54PM 12 Q. Did you hear that he was the subject of an investigation?

02:54PM 13 A. I never knew that, no.

02:54PM 14 Q. What about John?

02:54PM 15 A. John, I know had did time for telemarketing or something.

02:54PM 16 Q. I'm not interested in that. What I'm interesting in is
02:54PM 17 whether or not you were aware if John Suppa was under a DEA
02:54PM 18 investigation.

02:54PM 19 A. I was never aware of that, no.

02:54PM 20 Q. Were you aware of the fact that the Suppas had some
02:54PM 21 connection to a property on 1195 Hertel?

02:54PM 22 A. Yes.

02:54PM 23 **MR. SINGER:** So, Ms. Champoux, would you mind
02:54PM 24 bringing up Government Exhibit 8. If you could open up the
02:55PM 25 1195 Hertel file, the first one.

02:55PM 1 **THE COURT:** This is just for the witness.

02:55PM 2 **MR. SINGER:** This is for the -- this is in evidence
02:55PM 3 already, Judge.

02:55PM 4 **THE COURT:** This is in evidence?

02:55PM 5 **MR. SINGER:** Correct.

02:55PM 6 **THE COURT:** Okay.

02:55PM 7 **THE WITNESS:** Yes.

02:55PM 8 **BY MR. SINGER:**

02:55PM 9 Q. That's a property that you're familiar with that Suppas
02:55PM 10 had some connection with, correct?

02:55PM 11 A. Yes. I believe Mark Suppa is the owner if I'm not
02:55PM 12 mistaken.

02:55PM 13 Q. And Mike Masecchia also had a connection to this
02:55PM 14 property, too, you're understanding, correct?

02:55PM 15 A. I know he's friends -- he was close with Mark. I don't
02:55PM 16 know that he was connected with it, with the property.

02:55PM 17 Q. You know at least that the Suppas have some connection to
02:55PM 18 this property, right?

02:55PM 19 A. Yes.

02:55PM 20 Q. Did Mr. Bongiovanni ever inform you that in August of
02:55PM 21 2013, surveillance photos were taken of this?

02:55PM 22 A. No.

02:55PM 23 Q. Did he ever inform you that the DEA pulled utility
02:55PM 24 records regarding this particular property?

02:55PM 25 A. No.

02:55PM 1 **MR. SINGER:** You can take that down, Ms. Champoux.

02:56PM 2 May I just have a moment, Judge?

02:56PM 3 **THE COURT:** Sure.

02:56PM 4 **BY MR. SINGER:**

02:56PM 5 Q. Again, you're the conduit of information for the Serio

02:56PM 6 drug-trafficking organization and Mr. Bongiovanni's part of

02:56PM 7 the scheme, right?

02:56PM 8 A. Correct.

02:56PM 9 Q. Like, you're the guy, right?

02:56PM 10 A. Correct.

02:56PM 11 Q. We went through that. Like Mr. Bongiovanni's

02:56PM 12 communicating solely with you to provide information to

02:56PM 13 Masecchia and Serio?

02:56PM 14 A. Yes.

02:56PM 15 Q. And Serio and Masecchia are communicating directly with

02:56PM 16 you to provide information to Bongiovanni, right?

02:56PM 17 A. Correct.

02:56PM 18 Q. So I want to go through a little bit of, you also

02:57PM 19 mentioned on your direct testimony that there was -- there's

02:57PM 20 some type of financial investigation into -- into Ron Serio,

02:57PM 21 right?

02:57PM 22 A. Yes.

02:57PM 23 Q. And you allege that Mr. Bongiovanni provided you some

02:57PM 24 information about that, correct?

02:57PM 25 A. Regarding an IRS investigation, correct.

02:57PM 1 Q. So he -- he -- he allegedly told you that there was some
02:57PM 2 type of financial investigation conducted by the IRS into Ron
02:57PM 3 Serio?

02:57PM 4 A. Correct.

02:57PM 5 Q. And that was related to his gambling activities?

02:57PM 6 A. His gambling, yes.

02:57PM 7 Q. And you're aware of Mr. Serio's gambling activities,
02:57PM 8 right?

02:57PM 9 A. I was.

02:57PM 10 Q. I mean, they were pretty prolific, right?

02:57PM 11 A. Yes.

02:57PM 12 Q. Like, he would go into casinos and -- and gamble tens of
02:58PM 13 thousands of dollars, right?

02:58PM 14 A. That's correct.

02:58PM 15 Q. Sometimes hundreds of thousands of dollars, right?

02:58PM 16 A. It was substantial, yes.

02:58PM 17 Q. And -- and that was one method with which your
02:58PM 18 organization would -- would attempt to wash money, correct?

02:58PM 19 A. I never did. But Ron was a heavy gambler. I don't
02:58PM 20 gamble.

02:58PM 21 Q. Okay.

02:58PM 22 A. So --

02:58PM 23 Q. So you don't know whether or not it was used for that
02:58PM 24 purpose --

02:58PM 25 A. I don't know.

02:58PM 1 Q. -- of washing money?

02:58PM 2 A. I don't know.

02:58PM 3 Q. But you do know that he was a heavy gambler, right?

02:58PM 4 A. I do know he was a heavy gambler.

02:58PM 5 Q. Okay. I want to go through a little bit of the people

02:58PM 6 that you had mentioned that Ron Serio and Mike Masecchia

02:58PM 7 asked to check out for whether or not they were confidential

02:58PM 8 sources, confidential informants, okay?

02:58PM 9 A. Okay.

02:58PM 10 Q. So, you talked a little bit about Robert R.K., right?

02:58PM 11 A. Yes.

02:58PM 12 Q. He was someone that Ron Serio had made a request to check

02:58PM 13 into at one point in time?

02:58PM 14 A. Correct.

02:58PM 15 Q. When was that request made?

02:59PM 16 A. '14, '15, I don't recall. He gave me -- it was on a

02:59PM 17 list. His name was on a list. He was worried about it.

02:59PM 18 Bob -- Bob R.K. just got busted. He was a known drug user,

02:59PM 19 and Ron was concerned about it.

02:59PM 20 Q. Okay. So, you ask about him, not sure exactly when, but

02:59PM 21 you're aware of the fact that he has a long criminal history,

02:59PM 22 right?

02:59PM 23 A. Yes.

02:59PM 24 Q. You're aware of the fact that he was a drug addict,

02:59PM 25 right?

02:59PM 1 A. Yes.

02:59PM 2 Q. He was a junkie, right?

02:59PM 3 A. Yes.

02:59PM 4 Q. He had that reputation based on what you knew of him?

02:59PM 5 A. From -- again, I didn't know him, but you hear things,
02:59PM 6 yes.

02:59PM 7 Q. And Mike Masecchia was aware of the fact that he was a
02:59PM 8 junkie as well, correct?

02:59PM 9 A. Knew he was a drug user, yes.

02:59PM 10 Q. Mike Masecchia was aware of the fact that Robert R.K. was
02:59PM 11 somebody who had a criminal record, correct?

02:59PM 12 A. Correct.

02:59PM 13 Q. And -- and both you and Mike Masecchia were aware of the
03:00PM 14 fact that Mr. R.K. had been arrested for two burglaries in
03:00PM 15 that time period, right?

03:00PM 16 A. I wasn't aware of the burglaries, but I knew he got
03:00PM 17 arrested. I didn't know for what.

03:00PM 18 Q. You weren't aware of any type of -- but you were of
03:00PM 19 arrests that happened around that time period, arrests?

03:00PM 20 A. Yes, that's why Ron was concerned. He heard he had got
03:00PM 21 busted again, and that's how the whole thing came about.

03:00PM 22 Q. Okay. So you don't remember the specific facts of the
03:00PM 23 arrest, but you remember that it was something you learned
03:00PM 24 about?

03:00PM 25 A. Yes.

03:00PM 1 Q. And it was a -- it was a public arrest, right? It was
03:00PM 2 something that was pretty high profile?

03:00PM 3 A. I heard about it through -- through Mike when Ron had
03:00PM 4 asked him, so --

03:00PM 5 Q. Okay. So -- so Ron was aware of the fact that R.K. got
03:00PM 6 arrested?

03:00PM 7 A. Yes.

03:00PM 8 Q. And that's why Ron asked Mike --

03:00PM 9 A. Yes.

03:00PM 10 Q. -- to check into --

03:00PM 11 A. Yes.

03:00PM 12 Q. -- Robert R.K.?

03:00PM 13 A. Yes.

03:00PM 14 Q. And Mike Masecchia made you aware of that arrest?

03:00PM 15 A. He did, yes.

03:00PM 16 Q. Okay. So what exactly did Joe Bongiovanni tell you
03:01PM 17 regarding Robert R.K.?

03:01PM 18 A. When it was brought to my attention to reach out
03:01PM 19 regarding Bobby R.K., he checked it out and told me he came
03:01PM 20 back, he's an informant.

03:01PM 21 Q. Did you tell -- did he tell you that he was -- Robert
03:01PM 22 R.K. was his informant?

03:01PM 23 A. Yes.

03:01PM 24 Q. And as far as other information that he provided, what
03:01PM 25 else did he tell you about R.K.?

03:01PM 1 A. He had just been arrested, but he didn't tell me for
03:01PM 2 what, but he had a long drug history.

03:01PM 3 Q. Now previously, when you testified before the grand jury,
03:01PM 4 do you recall testifying that you didn't have any -- you
03:01PM 5 didn't -- that Mr. Bongiovanni indicated that there was
03:01PM 6 nothing going on with R.K., correct?

03:01PM 7 **MR. TRIPI:** Objection. Hearsay, improper
03:01PM 8 impeachment.

03:01PM 9 **THE COURT:** Yeah, sustained.

03:01PM 10 **BY MR. SINGER:**

03:01PM 11 Q. So, it's your testimony today that Robert R.K. was
03:02PM 12 someone that Joseph Bongiovanni informed you about?

03:02PM 13 A. Yes.

03:02PM 14 Q. And he was someone who told -- that Joseph Bongiovanni
03:02PM 15 told you that he was a CI; is that right?

03:02PM 16 A. Correct.

03:02PM 17 Q. And you maintained that that's what you were told,
03:02PM 18 correct?

03:02PM 19 A. Correct.

03:02PM 20 Q. But you recall testifying at the grand jury, correct?

03:02PM 21 A. Yes.

03:02PM 22 Q. And you recall testifying at that proceeding back in
03:02PM 23 October of 2019, correct?

03:02PM 24 A. At the grand jury, no.

03:02PM 25 Q. October of 2019.

03:02PM 1 A. At the grand jury?

03:02PM 2 Q. Yes.

03:02PM 3 A. I -- it wasn't 2019.

03:02PM 4 Q. Your testimony before the grand jury wasn't October 2019,
03:02PM 5 sir?

03:02PM 6 A. I -- I -- I'm sorry, it was, I'm mixing it up. Yes.

03:02PM 7 Sorry, yes.

03:02PM 8 Q. Yeah, and you testified at that proceeding under oath,
03:02PM 9 correct?

03:02PM 10 A. Yes, yes.

03:02PM 11 Q. And Mr. Tripi was the person who was questioning you,
03:02PM 12 correct?

03:02PM 13 A. Correct, yes.

03:02PM 14 Q. You remember being asked questions about Robert R.K. at
03:02PM 15 that proceeding, correct?

03:02PM 16 A. Correct.

03:02PM 17 **MR. TRIPI:** Objection. Could I get a page and a line
03:02PM 18 number.

03:02PM 19 **MR. SINGER:** Ms. Champoux, if you could bring up for
03:02PM 20 the witness and only the witness Government Exhibit 3540
03:03PM 21 November.

03:03PM 22 Okay. Advance to page 88, please.

03:03PM 23 **BY MR. SINGER:**

03:03PM 24 Q. I direct your attention to lines 11 and 12.

03:03PM 25 Do you remember telling the grand jury on that date to

the following:

"Question: What information did you get back on Bob R.K.?"

"Answer: He was okay. There was no investigation."

A. Yes. At that timeframe, yes.

Q. At what timeframe?

A. I -- I -- at that specific timeframe, there was no investigation. But he was under -- he was -- he was an informant for Mr. Bongiovanni when I asked him that.

MR. SINGER: Ms. Champoux, could you please advance to page 90?

BY MR. SINGER:

Q. Direct your attention to lines 8 to 10. Do you remember responding to the question, "What about Robert R.K., Bobby R.K.?"

A. Yes.

Q. "Answer: I gave that information as well, as he was, per Joe, there was nothing going on."

Do you remember giving that answer at the grand jury, sir?

A. Yes.

MR. SINGER: Take that down, Ms. Champoux.

BY MR. SINGER:

Q. So what you told the grand jury was different than what you told the jury here today, right?

25 | A. No, not that I recall.

03:05PM 1 Q. Never mentioned that name?

03:05PM 2 A. No.

03:05PM 3 Q. T.S. was somebody that we just talked about, you just

03:05PM 4 mentioned. You said Ron Serio made some type of request

03:05PM 5 regarding T.S. as well?

03:05PM 6 A. Yes.

03:05PM 7 Q. And when was that request made?

03:05PM 8 A. A little bit after R.K..

03:05PM 9 Q. So a little bit after R.K.?

03:05PM 10 A. Yes.

03:05PM 11 Q. What prompted that particular request?

03:05PM 12 A. I believe Ron was concerned, believed he -- he might have

03:05PM 13 even busted. He reached out to Mike. Mike says, can you

03:05PM 14 reach out and find out if this guy is an informant.

03:05PM 15 Q. So when you say busted, you mean T.S. was arrested at

03:05PM 16 some point?

03:05PM 17 A. He was arrested.

03:06PM 18 Q. Based on information that you received or Ron Serio

03:06PM 19 received?

03:06PM 20 A. Correct. What I was told, yes.

03:06PM 21 Q. And that's what prompted the request?

03:06PM 22 A. Correct.

03:06PM 23 Q. Where was it that T.S. was arrested at that point in

03:06PM 24 time?

03:06PM 25 A. I -- I don't recall. I don't know.

03:06PM 1 Q. Do you know what he was arrested for?

03:06PM 2 A. I don't.

03:06PM 3 Q. And this is when you allege that Joe Bongiovanni got back
03:06PM 4 to you, right?

03:06PM 5 A. Correct.

03:06PM 6 Q. And he informed you that -- that T.S. was also a
03:06PM 7 confidential source?

03:06PM 8 A. That's correct.

03:06PM 9 Q. Who did Mr. Bongiovanni tell you that T.S. was working
03:06PM 10 for at that time?

03:06PM 11 A. He just told me he was an informant. He didn't get what
03:06PM 12 agency or nothing. He just said he's an informant.

03:06PM 13 Q. Did he give you a timeframe?

03:06PM 14 A. No, at that timeframe when I asked, that's when it was
03:06PM 15 confirmed.

03:06PM 16 Q. I know you testified to that now and today, but you
03:06PM 17 recall testifying in front of the grand jury, correct?

03:06PM 18 A. Correct.

03:06PM 19 Q. And do you remember testifying under oath at that
03:07PM 20 proceeding back in October 2019, correct?

03:07PM 21 A. Yes, correct.

03:07PM 22 **MR. SINGER:** Ms. Champoux, would you mind bringing up
03:07PM 23 3540 November for the witness again?

03:07PM 24 If you can turn to page 88.

25

03:07PM

1 **BY MR. SINGER:**

03:07PM

2 Q. Do you recall -- and I'll direct your attention to line

03:07PM

3 13 through 15 -- providing the following answer to the

03:07PM

4 following question.

03:07PM

5 "Question: What information did you get back from

03:07PM

6 Bongiovanni on T.S.?

03:07PM

7 "Answer: There was nothing going on."

03:07PM

8 Do you remember providing that to the grand jury as an

03:07PM

9 answer, sir?

03:07PM

10 A. Yes.

03:07PM

11 **MR. SINGER:** If you can turn to page 89,

03:07PM

12 Ms. Champoux.

03:07PM

13 **BY MR. SINGER:**

03:07PM

14 Q. I'll direct your attention to page 25 -- I'm sorry, page

03:07PM

15 89, line 25.

03:07PM

16 Do you remember providing the following answers to the

03:07PM

17 following questions:

03:07PM

18 "Question: Did Joe tell you to be leery of T.S.?"

03:08PM

19 **MR. SINGER:** Can we advance to the next page,

03:08PM

20 Ms. Champoux.

03:08PM

21 **BY MR. SINGER:**

03:08PM

22 Q. "Answer:" Again, that time -- sorry.

03:08PM

23 "Answer: Yes.

03:08PM

24 "Question: What did he say?

03:08PM

25 "Answer: Be careful. T.S. is out there, and there could

1 be a possible investigation."

2 Do you remember providing those answers, sir?

3 A. Yes.

4 Q. And you'll agree with me that does not include anything
5 about a CI, correct?

6 A. No.

7 **MR. SINGER:** You can bring that now, Ms. Champoux.

8 **BY MR. SINGER:**

9 Q. Mario Vacanti was somebody that you also indicated
10 Mr. Bongiovanni allegedly provided information about; is that
11 right?

12 A. Yes.

13 Q. Okay. So I want to get into -- so, Mario Vacanti, he's
14 somebody that you know to be related to Sam Vacanti; is that
15 right?

16 A. Correct.

17 Q. And Sam Vacanti is Mario Vacanti's brother?

18 A. Correct.

19 Q. And you're aware of the fact that Sam Vacanti was
20 convicted of a murder, correct?

21 A. Yes.

22 Q. That involved a person named Monty Massimi?

23 A. Yes.

24 Q. And it was a pretty widely-known fact in the North
25 Buffalo community, right?

03:09PM 1 A. Correct.

03:09PM 2 **MR. TRIPI:** Objection. Judge, may we approach?

03:09PM 3 **THE COURT:** Sure.

03:09PM 4 (Sidebar discussion held on the record.)

03:09PM 5 **MR. TRIPI:** I'm not quite sure where -- I'm not quite
03:09PM 6 sure where we're going, Judge, but first, I'll object on 403
03:09PM 7 grounds. The Massimi murder, I don't know what that has to do
03:09PM 8 with anything.

03:09PM 9 **THE COURT:** Yeah.

03:09PM 10 **MR. TRIPI:** But I'll also caution everyone that you
03:09PM 11 precluded me from asking about the fact that Bongiovanni's
03:09PM 12 supplier used to be, when he would get -- procure cocaine, one
03:09PM 13 of the Massimi brothers. And so that was a ruling from the
03:09PM 14 last trial that I didn't ask him about.

03:09PM 15 And I -- I think counsel already opened the door to
03:09PM 16 that, because he asked Mr. Selva about people he procured
03:09PM 17 cocaine from, and said that wasn't like Mr. Bongiovanni's
03:09PM 18 involvement with cocaine.

03:09PM 19 And I think he's opened the door to the Massimi
03:09PM 20 cocaine supply situation between Bongiovanni and Massimi.

03:10PM 21 But now we're getting into a murder of Massimi that
03:10PM 22 has nothing to do -- nothing to do with this trial.

03:10PM 23 And I think -- I speculate, it -- it may be just to
03:10PM 24 make Mr. Selva nervous because he's asking about a person
03:10PM 25 who's convicted of murder that's related to Mario Vacanti, and

03:10PM 1 then he's going to ask him questions about Mario Vacanti to
03:10PM 2 try to put him in fear and cause him to say something that's
03:10PM 3 inconsistent with his prior testimony.

03:10PM 4 And I don't think that that's -- that's a proper
03:10PM 5 purpose.

03:10PM 6 **THE COURT:** Well, certainly that's not proper.
03:10PM 7 Next --

03:10PM 8 **MR. SINGER:** And, of course, certainly I'm not doing
03:10PM 9 it for that purpose, Judge.

03:10PM 10 The proper purpose for which I'm introducing this
03:10PM 11 testimony, it's not very long, is to establish what it was
03:10PM 12 that Selva allegedly says he learned from Bongiovanni.

03:10PM 13 So in the grand jury, Mr. Selva talks about how
03:10PM 14 Mr. Bongiovanni provided information regarding Mario Vacanti.
03:11PM 15 The nature of the information that he testified at that point
03:11PM 16 in time was provided related to the fact that Vacanti was
03:11PM 17 related to Sammy Vacanti, that his brother was convicted of
03:11PM 18 murder, and that Mario Vacanti was a marijuana dealer and had
03:11PM 19 some operation that he took over for his brother. And that
03:11PM 20 was the nature of the information.

03:11PM 21 If you recall back in this trial, part of what Ron
03:11PM 22 Serio and other people have had to say is that the information
03:11PM 23 provided regarding Mario Vacanti was much more specific
03:11PM 24 regarding the specific investigation that was being conducted
03:11PM 25 into him in 2015.

03:11PM

1 **THE COURT:** Who said this?

03:11PM

2 **MR. TRIPI:** Selva's testimony on this point was: I

03:11PM

3 don't remember the specifics of the information, but whatever

03:11PM

4 I was told, I provided at the time.

03:11PM

5 He can ask Ron Serio what the information was, but he

03:11PM

6 can't ask this witness. Because he's trying to set up a

03:11PM

7 distinction between the two, I understand that, but he doesn't

03:11PM

8 have the specifics.

03:11PM

9 He testified, I don't remember the specifics, but

03:11PM

10 whatever it was, I passed along. That was his testimony

03:11PM

11 yesterday.

03:12PM

12 **MR. SINGER:** And I'll refresh his recollection with

03:12PM

13 his grand jury testimony as to what the information was,

03:12PM

14 Judge.

03:12PM

15 But on cross, I should have the ability, since

03:12PM

16 they're trying to paint this out as Bongiovanni provided

03:12PM

17 specific information --

03:12PM

18 **THE COURT:** So you want to show him this to refresh

03:12PM

19 his recollection on what?

03:12PM

20 **MR. SINGER:** I -- so I want to -- I want to -- I'm on

03:12PM

21 this line of inquiry for two reasons.

03:12PM

22 One, is to establish the fact that he's aware of this

03:12PM

23 murder on his own --

03:12PM

24 **MR. TRIPI:** Okay.

03:12PM

25 **MR. SINGER:** -- and so is Masecchia, because it's

03:12PM 1 something that is well-known.

03:12PM 2 The second part of it is that when he gets
03:12PM 3 information back from Bongiovanni, that Bongiovanni is limited
03:12PM 4 to, hey, I know Massimi is connected to his brother, his
03:12PM 5 brother was convicted of murder, and Massimi -- I'm sorry,
03:12PM 6 that -- that -- that Mario is the person who took over his
03:12PM 7 marijuana operation. That's all.

03:12PM 8 **THE COURT:** Hold on. Well I think you can ask, did
03:12PM 9 you testify yesterday you don't remember what information you
03:12PM 10 provided about Massimi, and then show him his grand jury
03:12PM 11 testimony and refresh his recollection on that question. And
03:12PM 12 then ask the questions that you're asking. I think you can do
03:12PM 13 that.

03:12PM 14 Is that what you want to do?

03:12PM 15 **MR. SINGER:** So, that's -- so, again, I'm going down
03:13PM 16 this line to establish that he's aware of the background of
03:13PM 17 Mario Vacanti, which I think I've almost gone through at this
03:13PM 18 point.

03:13PM 19 And secondly, that the information that was provided
03:13PM 20 through refreshing his recollection with the grand jury
03:13PM 21 transcript from Bongiovanni allegedly is that it was related
03:13PM 22 to his connection with -- with his brother, and the murder,
03:13PM 23 and the marijuana dealings. And that's all.

03:13PM 24 **MR. TRIPI:** I still don't understand how referencing
03:13PM 25 back to the murder before you asked -- if you want to know

1 what Bongiovanni told him, ask that question. Even lead on
2 it. But why referencing the murder? I don't understand.

3 **THE COURT:** I think he can -- if he's -- did he
4 testify yesterday he didn't remember what he said --

5 **MR. TRIPI:** He didn't remember the specifics.

6 **THE COURT:** And did he tell the grand jury something?

7 **MR. SINGER:** He told specifics then. And, again,
8 like the reason -- like, part of our theory is that this
9 information that he's claiming was communicated to him by
10 Bongiovanni is just a well-known fact.

11 **THE COURT:** I get that. I get that. I think you --
12 I think you can do what I just suggested.

13 **MR. TRIPI:** I think the -- the reason he's not going
14 Q and A is because the grand jury is a little more amorphus
15 than Mr. Singer is making it out to be. So we were conflating
16 concepts in there at the time. It wasn't he -- this murder
17 investigation was different than what was being --

18 **THE COURT:** I get it. You can ask -- show him the
19 transcript to refresh his recollection. There's no reason he
20 can't do that.

21 **MR. TRIPI:** 100 percent, I agree with that.

22 **THE COURT:** If he wants to refresh his recollection,
23 he can do that. So let's do that.

24 **MR. SINGER:** Okay.

25 (End of sidebar discussion.)

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THE COURT: Next question.

BY MR. SINGER:

Q. So, with regard to -- to this murder committed by Sam Vacanti, this is something that Mr. Masecchia was also aware of, right?

A. Correct.

Q. Okay. And you were aware that -- that Mario Vacanti was somebody who was arrested for a marijuana conspiracy charge back in 2011?

A. Correct. I heard that, yes.

Q. And Mr. Masecchia was also aware of that fact, correct?

A. I believe so, yes.

Q. And, so, your testimony yesterday was that at some point in time, Ron Serio asks you about Mario Vacanti, correct?

A. Correct.

Q. And whether he's a potential threat to the organization, correct?

A. Correct.

Q. And yesterday when you testified, you testified that you weren't sure of the type of information that Joseph Bongiovanni allegedly communicated to you regarding Mario Vacanti, right?

A. Correct.

MR. SINGER: So, Ms. Champoux, if we can bring up Exhibit 3540N again.

03:15PM 1 If we can turn to page 89.

03:15PM 2 **BY MR. SINGER:**

03:15PM 3 Q. And I'm going to direct your attention, Mr. Selva, to
03:15PM 4 lines 5 through 25.

03:15PM 5 Could you please read those and see if that refreshes
03:15PM 6 your memory as to what type of information Joseph Bongiovanni
03:15PM 7 allegedly communicated to you regarding Mario Vacanti.

03:16PM 8 A. Okay.

03:16PM 9 Q. Now, did that help refresh your memory, sir?

03:16PM 10 A. Yes.

03:16PM 11 Q. So the nature of the information that Joseph Bongiovanni
03:16PM 12 allegedly communicated to you regarding Mario Vacanti related
03:16PM 13 to the fact that his brother was convicted of that murder,
03:16PM 14 correct?

03:16PM 15 A. Correct.

03:16PM 16 Q. And that Mario Vacanti was somebody who was taking over
03:16PM 17 his brother's marijuana business?

03:16PM 18 A. Correct. His brother had an operation that was extended
03:16PM 19 all the way out to California.

03:16PM 20 Q. And that's why Joe Bongiovanni told you allegedly to
03:17PM 21 watch out for him?

03:17PM 22 A. Yes.

03:17PM 23 **MR. SINGER:** Okay. You can take that down,
03:17PM 24 Ms. Champoux.

25

2 Q. Now this is information that you state that you received
3 from Mr. Bongiovanni, right?
4 A. Correct.
5 Q. So naturally, in the pipeline of events, the next thing
6 you would do would be to meet up with Mike Masecchia; is that
7 correct?
8 A. Correct.
9 Q. And you would communicate that particular information to
0 him?
1 A. Yes.
2 Q. And it was your understanding that Mr. Masecchia would
3 then take that information to Ron Serio, correct?
4 A. Correct.
5 Q. And another piece of information that Mr. Bongiovanni
6 told you at that point in time as well was that Mario Vacanti
7 was not under investigation, correct?
8 A. Correct.
9 Q. And that's another piece of information you would have
0 communicated to Mr. Masecchia, right?
1 A. Correct.
2 Q. Who then presumably would have communicated that same
3 piece of information up to Ron Serio?
4 A. Yes.
5 Q. Okay. I want to move on to GPS trackers.

03:18PM 1 So, you had alleged in your direct testimony that

03:18PM 2 Mr. Bongiovanni told you that the DEA or others had installed

03:18PM 3 GPS trackers on Mike Masecchia's vehicle, correct?

03:18PM 4 A. Correct.

03:18PM 5 Q. And I think you said that like you knew it and he knew

03:18PM 6 it, correct?

03:18PM 7 A. Correct.

03:18PM 8 Q. Did you guys find a GPS tracker on Mike Masecchia's

03:18PM 9 vehicle?

03:18PM 10 A. No. But he -- I told him it was there.

03:18PM 11 Q. Did you look for one?

03:18PM 12 A. No. Mike -- I don't know where it would have been put,

03:18PM 13 either under the hood or anything, but it was there. He was

03:18PM 14 made aware it was there.

03:18PM 15 Q. Did Mike --

03:18PM 16 A. He felt -- Mike felt if he moved it, it would raise a red

03:18PM 17 flag that they know it was moved, and now they're gonna move

03:18PM 18 in, and it can cause a -- an arrest or something that it was

03:18PM 19 found.

03:18PM 20 Q. When was it that -- that you received this piece of

03:18PM 21 information that a tracker was installed on his car?

03:18PM 22 A. Once I found out, I called Mike and I told him.

03:19PM 23 Q. And that's what I'm getting at, is that, when was that

03:19PM 24 time?

03:19PM 25 A. I don't recall the timeframe. Do you have something to

03:19PM 1 refresh my memory? 2015, '16, I'm not --

03:19PM 2 Q. So you believe it was 2015 or '16 that this happened?

03:19PM 3 A. I don't recall.

03:19PM 4 Q. You just don't recall?

03:19PM 5 A. The exact timeframe.

03:19PM 6 Q. Did Joseph Bongiovanni talk to you about any potential

03:19PM 7 efforts to install trackers on Tom Serio's vehicles?

03:19PM 8 A. No.

03:19PM 9 Q. If a law enforcement agency was intending on installing

03:19PM 10 trackers on Tom Serio's vehicles, that would be information

03:19PM 11 that would be important to protect the organization; is that

03:19PM 12 correct?

03:19PM 13 A. Correct.

03:19PM 14 **MR. TRIPI:** Objection.

03:19PM 15 **THE COURT:** No, overruled.

03:19PM 16 **THE WITNESS:** Correct.

03:19PM 17 **BY MR. SINGER:**

03:19PM 18 Q. Yeah. Like Ron Serio would want to know about that,

03:19PM 19 right?

03:19PM 20 A. Correct.

03:19PM 21 Q. If his brother was being tracked, right?

03:20PM 22 A. Correct.

03:20PM 23 Q. Because that could potentially bring the entire

03:20PM 24 organization down, right?

03:20PM 25 A. Yes. It could cause a headache for Ron, yes.

03:20PM 1 Q. For the particular grow locations, we talked a little bit
03:20PM 2 about the 1195 Hertel address; do you remember that a few
03:20PM 3 minutes ago?

03:20PM 4 A. You just showed me that, yes, the Suppas.

03:20PM 5 Q. And we talked about whether or not Mr. Bongiovanni
03:20PM 6 alerted you to the fact that utility records were run on that
03:20PM 7 one particular location, correct?

03:20PM 8 A. Correct.

03:20PM 9 Q. And you stated that you never received that information,
03:20PM 10 right?

03:20PM 11 A. I did not, no.

03:20PM 12 Q. Did you receive any type of particular information
03:20PM 13 regarding the utilities that were pulled on other properties
03:20PM 14 owned by Ron or Tom Serio?

03:20PM 15 A. No.

03:20PM 16 Q. Did you receive any information about other agents in the
03:20PM 17 DEA investigating Ron and Tom Serio's properties going even
03:20PM 18 further back into 2012?

03:20PM 19 A. No.

03:20PM 20 Q. You talked a little bit about utility usage, and you said
03:21PM 21 that if the utilities ran a little too high, that it's
03:21PM 22 possible that National Grid was going to alert law
03:21PM 23 enforcement, right?

03:21PM 24 A. Raise the red flag, yes.

03:21PM 25 Q. You talked a little bit about Ron Serio. Ron Serio used

03:21PM 1 his Lebrun address to grow marijuana, right?

03:21PM 2 A. I believe so, yes.

03:21PM 3 Q. Did Mr. Bongiovanni alert you to the fact the utilities
03:21PM 4 records were pulled for that particular address?

03:21PM 5 A. No.

03:21PM 6 Q. You talked a little bit about other confidential
03:21PM 7 informant names that you kind of learned along the way. So
03:21PM 8 J.D. was -- was someone you allege Mr. Bongiovanni mentioned
03:21PM 9 was a CS to you?

03:21PM 10 A. Correct.

03:21PM 11 Q. And that was apparently at -- allegedly at the -- the
03:21PM 12 Fitness Factory, right?

03:21PM 13 A. That's correct.

03:21PM 14 Q. All right. So, you knew J.D., correct?

03:21PM 15 A. Yes.

03:21PM 16 Q. I think you mentioned that he was somebody who performed
03:22PM 17 mold remediation work down in your basement?

03:22PM 18 A. He did some work for me in my house, yes.

03:22PM 19 Q. And he was also someone who you just knew from the
03:22PM 20 neighborhood, right?

03:22PM 21 A. Yes. He was younger than me, but yes, I -- I knew him.

03:22PM 22 Q. He was someone that you knew to -- to have sometimes drug
03:22PM 23 problems, right?

03:22PM 24 A. From what I heard, yes.

03:22PM 25 Q. And you knew that he was somebody who would sometimes get

03:22PM 1 clean, but then relapse, right?

03:22PM 2 A. Yes.

03:22PM 3 Q. And then he'd kind of run into problems with the law when
03:22PM 4 he relapsed, right?

03:22PM 5 A. Yes. From what I heard, yes.

03:22PM 6 Q. Okay. So you mentioned that you hired him at some point
03:22PM 7 to help out with mold remediation; is that right?

03:22PM 8 A. That's correct. Like I said, he cut the mold out, he put
03:22PM 9 new drywall up, he seamed it, cleaned it up, took care of it.

03:22PM 10 Q. And the reason for the mold remediation, sir, was the
03:22PM 11 fact that you had grow operations operating down in your
03:22PM 12 basement, right?

03:22PM 13 A. Correct, there's some mold that happened through the
03:22PM 14 mildew that happens, yes.

03:22PM 15 Q. So you testified yesterday that -- that these grow
03:23PM 16 operations started to occur in your house, not the smaller
03:23PM 17 cloning, but -- but the actual grow operations, the plants,
03:23PM 18 in the 2013 to 2014 timeframe, roughly?

03:23PM 19 A. That's correct.

03:23PM 20 Q. And so as far as the mold remediation, naturally that
03:23PM 21 would happen after you did the growing, right?

03:23PM 22 A. Once I noticed it, I wanted it taken care of.

03:23PM 23 Q. Um-hum.

03:23PM 24 A. So --

03:23PM 25 Q. Yes.

03:23PM 1 A. -- it was -- it was -- it was, like, year and a half, two
03:23PM 2 years, two years later, so.

03:23PM 3 Q. Okay. So, J.D. -- when was it that Mr. Bongiovanni told
03:23PM 4 you about him being a CS?

03:23PM 5 Do you recall testifying about how this happened
03:23PM 6 potentially before his wedding?

03:23PM 7 A. Yes, but -- but J.D., he helped me, I believe it was
03:23PM 8 2013, '14 that I got the mold removed.

03:23PM 9 Q. Well, hold on Mr. Selva. You said that the grow
03:23PM 10 operation started in your house in 2013, right?

03:23PM 11 A. Yeah, but it wasn't always going, so when it shut down,
03:24PM 12 that's when I got it done, cleaned everything out. He came
03:24PM 13 in, he cut the drywall, he rehung it, he taped it and then it
03:24PM 14 was back to -- it was going again.

03:24PM 15 Q. So your testimony is that he came over to your house
03:24PM 16 sometime in 2013 or '14 to do mold remediation?

03:24PM 17 A. Yes, there was nothing in my -- we shut everything down,
03:24PM 18 there was nothing there, took care of the mold problem and
03:24PM 19 then the operation resumed.

03:24PM 20 Q. Mr. J.D. came in and testified that it was 2015 --

03:24PM 21 **MR. TRIPI:** Objection.

03:24PM 22 **BY MR. SINGER:**

03:24PM 23 Q. -- that he was performing these operations?

03:24PM 24 **MR. TRIPI:** Objection.

03:24PM 25 **THE COURT:** Hang on. Stop.

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THE WITNESS: When was --

MR. TRIPI: Objection.

THE COURT: Stop.

THE WITNESS: Sorry.

MR. TRIPI: Wait.

THE COURT: I -- I didn't hear the question.

(The above-requested question was then read by the reporter.)

THE COURT: So that -- that objection is sustained to that statement and the jury will strike that statement.

MR. SINGER: I'll -- I'll withdraw the question, Judge.

BY MR. SINGER:

Q. Anthony Anastasia was somebody else that you had mentioned, right?

A. Yes.

Q. And it was alleged that Mr. Bongiovanni told you that he was under investigation at some point, right?

A. Yes.

Q. And that was some point in 2011?

A. I don't recall the timeframe, 2012, between '11 and '13 timeframe, maybe.

Q. You were aware of the fact that -- that Anastasia was arrested in 2010 at some point, right?

A. Yes, like I said, it was -- I'm -- I was a year off,

correct, it was within that timeframe.

Q. You arrest -- you were aware of the arrest for cocaine in 2010?

A. I was, yes.

Q. Okay. So, this information regarding law enforcement --

MR. SINGER: Judge, I'm sorry. How long have we been going?

THE COURT: I think this is a great time. I -- I've been waiting for you to suggest it.

MR. SINGER: No problem, Judge. Let's -- let's take a break.

THE COURT: Let's take our afternoon break now.

Remember my instructions about not talking about the case, even with each other, and not making up your minds.

See you back here in about 15 minutes.

(Jury excused at 3:26 p.m.)

THE COURT: I hate to break in, so that's why I --

MR. SINGER: No, no, that's fine.

THE COURT: Okay. Anything before we break, Mr. Singer?

MR. SINGER: Nothing from me, Judge.

THE COURT: Mr. Tripi?

MR. TRIPI: No, thank you, Judge.

THE COURT: Okay. Great. See you in about 15 minutes.

03:27PM 1 (Off the record at 3:27 p.m.)

03:27PM 2 (Back on the record at 3:44 p.m.)

03:27PM 3 (Jury not present.)

03:27PM 4 **THE CLERK:** All rise.

03:44PM 5 **THE COURT:** Please be seated.

03:44PM 6 **THE CLERK:** We are back on the record for the

03:44PM 7 continuation of the jury trial in United States of America

03:44PM 8 versus Joseph Bongiovanni 19-cr-227.

03:44PM 9 All counsel and parties are present.

03:44PM 10 **THE COURT:** Ready to continue?

03:44PM 11 **MR. SINGER:** Yes, Your Honor.

03:44PM 12 **THE COURT:** How much longer?

03:44PM 13 **MR. SINGER:** Probably about a half an hour.

03:44PM 14 **THE COURT:** Okay. How long is your redirect going to
03:44PM 15 go?

03:44PM 16 **MR. TRIPI:** I'll try to keep it to 15 minutes or so.

03:44PM 17 **THE COURT:** Okay. So we're going to finish him
03:44PM 18 today?

03:44PM 19 **MR. TRIPI:** Yeah, I'd like to finish him today.

03:44PM 20 **THE COURT:** Okay.

03:44PM 21 **MR. COOPER:** Judge, you plan on going all the way to
03:44PM 22 5, though?

03:44PM 23 **THE COURT:** I guess it's going to depend on when
03:44PM 24 we're done. The next witness is going to take how long?

03:44PM 25 **MR. COOPER:** The last trial, it's 55 minutes long.

03:44PM 1 The direct was about 30 or 40 of those minutes, so we might be
03:44PM 2 able to get through the direct today.

03:44PM 3 **THE COURT:** Yeah. So if we finish by 3:30 with this
03:44PM 4 witness, yeah, we'll do the direct of the next witness.

03:44PM 5 **MR. COOPER:** Thank you, appreciate it.

03:44PM 6 **THE COURT:** Okay. Let's bring them in, please.

03:44PM 7 (Jury seated at 3:44 p.m.)

03:44PM 8 **THE COURT:** The record will reflect that all our
03:44PM 9 jurors, again, are present.

03:44PM 10 I remind the witness that he's still under oath.
03:44PM 11 And you may continue, Mr. Singer.

03:44PM 12 **MR. SINGER:** Thank you, Judge.

03:44PM 13 **BY MR. SINGER:**

03:44PM 14 Q. So we left off talking about information that
03:44PM 15 Mr. Bongiovanni allegedly provided you. One of the other
03:44PM 16 things that he provided you was -- was the tactical
03:45PM 17 information; do you remember testifying about that,
03:45PM 18 Mr. Selva?

03:45PM 19 A. Yes, I do.

03:45PM 20 Q. So these -- this conversation about law enforcement
03:45PM 21 tactics, where did this occur?

03:45PM 22 A. We were out, just occurred. I don't recall where.

03:45PM 23 Q. Were you whispering into his ear and he whispering into
03:45PM 24 your ear when this is happening?

03:45PM 25 A. It might be even happened when we were alone at his

03:45PM 1 house, or we were always alone. It wasn't in a public place.

03:45PM 2 Q. So -- so when you had these in-depth conversations, these

03:45PM 3 were different than the information conversations that you

03:45PM 4 had at the bar?

03:45PM 5 A. I don't recall where I had it, sir.

03:45PM 6 Q. Okay. Do you recall when you had this conversations?

03:45PM 7 A. I don't recall.

03:45PM 8 Q. Was it 2008 or 2017, when was it?

03:45PM 9 A. Between that timeframe, 2014, '15, somewhere around

03:45PM 10 there.

03:45PM 11 Q. So 2014, 2015?

03:45PM 12 A. Yes.

03:45PM 13 Q. Best you can recollect?

03:45PM 14 A. Best I can recollect.

03:45PM 15 Q. All right. So, a couple of these things that -- that

03:45PM 16 were discussed in this conversation was, don't speak on the

03:45PM 17 phone, right?

03:45PM 18 A. Correct.

03:46PM 19 Q. And you're aware of this because this was a practice Mike

03:46PM 20 Masecchia practiced, right?

03:46PM 21 A. Correct.

03:46PM 22 Q. And you knew this because you were a part of the --

03:46PM 23 the -- the cell phone business, right, for lack of a better

03:46PM 24 word?

03:46PM 25 A. Correct.

03:46PM 1 Q. Like you understood based on your work that when someone
03:46PM 2 made a call on a cell phone, it's something that gets logged
03:46PM 3 into a system, right?

03:46PM 4 A. Correct.

03:46PM 5 Q. That can later be pulled potentially by law enforcement,
03:46PM 6 right?

03:46PM 7 A. That's correct.

03:46PM 8 Q. And so, Mr. Bongiovanni, when he told you to, you know,
03:46PM 9 not talk on the phone about narcotics activity, that's not
03:46PM 10 something that's really groundbreaking, right?

03:46PM 11 A. No.

03:46PM 12 Q. It's pretty basic, right?

03:46PM 13 A. Yes, sir.

03:46PM 14 Q. Okay. All right. One of the other things you mentioned
03:46PM 15 was be aware of your surroundings was something he
03:46PM 16 communicated to you, right?

03:46PM 17 A. Yes.

03:46PM 18 Q. And look automatic for police, right?

03:46PM 19 A. Surveillance vehicles, tinted windows, utility vehicles,
03:46PM 20 those type things.

03:46PM 21 Q. Yeah, so --

03:46PM 22 A. If one is parked at the end of the block for quite a bit
03:47PM 23 of the time, that could raise a red flag.

03:47PM 24 Q. So be aware of your surroundings, you know, look out for
03:47PM 25 the police. And that's another thing that's pretty basic,

03:47PM 1 right?

03:47PM 2 A. Police, we have by, meaning undercover. That's what I
03:47PM 3 meant.

03:47PM 4 Q. Like -- like when you're driving down the road and you
03:47PM 5 see, you know, a potential officer who might be running a
03:47PM 6 speed trap, you're -- you're on the lookout for that, right?

03:47PM 7 A. Of course, yes.

03:47PM 8 Q. Okay. So it's the same kind of thing here, like, look
03:47PM 9 out for police activity?

03:47PM 10 A. Under surveillance type. Not a regular police -- I don't
03:47PM 11 know -- I don't understand the question. Are you talking
03:47PM 12 about a regular police car? Or just --

03:47PM 13 Q. Let's start first with the regular police car.

03:47PM 14 Did he tell you to watch out for police cars?

03:47PM 15 A. No. That's common sense.

03:47PM 16 Q. Okay. He, instead, you say started talking about
03:47PM 17 surveillance-based vehicles, right?

03:47PM 18 A. Correct.

03:47PM 19 Q. So these would be vehicles that might have tinted windows
03:47PM 20 on them?

03:47PM 21 A. Smoke windows, Chargers, Tahoes, SUVs --

03:47PM 22 Q. Yeah, Chargers, Tahoes, like government-type vehicles?

03:47PM 23 A. Yes, yes. Like I mentioned, utility vehicles, if you see
03:47PM 24 one at the end of the block for quite some time, that could
03:48PM 25 raise a red flag.

03:48PM 1 Q. Okay. So that was something a little more specific than
03:48PM 2 the generic government vehicle, right?

03:48PM 3 A. Yes, I was just giving you examples of all of them.

03:48PM 4 Q. So he told you about that information, to -- to keep an
03:48PM 5 eye out for that, right?

03:48PM 6 A. Yes.

03:48PM 7 Q. But again, like, you know, the fact that government
03:48PM 8 vehicles have window tints, are a particular make or model,
03:48PM 9 that's pretty basic information too, right?

03:48PM 10 A. Correct.

03:48PM 11 Q. Okay. I think one of the things you mentioned was -- was
03:48PM 12 whether federal law enforcement information -- agencies share
03:48PM 13 information about investigations, right; remember that?

03:48PM 14 A. Yes.

03:48PM 15 Q. And I think Mr. Tripi talked to you about how you knew
03:48PM 16 this because you knew that Joe Palmieri or other people
03:48PM 17 worked on task forces, right?

03:48PM 18 A. I understand how that worked, yes.

03:48PM 19 Q. And they were local police officers who worked with the
03:48PM 20 DEA, right?

03:48PM 21 A. Yes.

03:48PM 22 Q. Shared information, correct?

03:48PM 23 A. Correct.

03:48PM 24 Q. And again, I mean, that's something that's pretty basic,
03:48PM 25 right?

03:48PM 1 A. I -- I don't know if everyone understands that, but, yes,
03:48PM 2 I -- I understood how it worked.

03:48PM 3 Q. That police talk, right?

03:49PM 4 A. Well, if you're assigned to a task force, if you're a
03:49PM 5 detective, or whatever your position is within that force, if
03:49PM 6 you're assigned to a task force, now you're working with them
03:49PM 7 specifically, so you're sworn in as a -- an agent, I would
03:49PM 8 believe.

03:49PM 9 Q. Yeah, it sounded like you -- you learned this from your
03:49PM 10 conversations with Mr. Palmieri, right?

03:49PM 11 A. I never had that conversation with Mr. Palmieri.

03:49PM 12 Q. And you learned it from conversations you had, from
03:49PM 13 conversations with Mr. Bongiovanni, right, about who his
03:49PM 14 partner was and what he did, where he worked?

03:49PM 15 A. Yes, he told me that he was with the task force.

03:49PM 16 Q. Okay. So, pretty basic conversation, right?

03:49PM 17 A. Yes.

03:49PM 18 Q. Those are some of the pieces of information that
03:49PM 19 Mr. Serio paid \$4,000 a month for?

03:49PM 20 A. Not that information. I mean, I -- I don't understand
03:49PM 21 what you're -- you're --

03:49PM 22 Q. Well, you said that you had this conversation sometime in
03:49PM 23 2014, '15. I know you couldn't pin down a date, but around
03:49PM 24 that timeframe, right?

03:50PM 25 A. Yes.

03:50PM 1 Q. And that was when Ron Serio, according to you, is paying
03:50PM 2 Joe Bongiovanni \$4,000 a month for information, right?

03:50PM 3 A. Yes, yes.

03:50PM 4 Q. So that's the type of information he was paying \$4,000 a
03:50PM 5 month for, right?

03:50PM 6 A. If it was -- yes. Yes.

03:50PM 7 Q. So, you talked a little bit about -- too, about a recent
03:50PM 8 revelation about some of these surveillance vehicles; do you
03:50PM 9 remember that?

03:50PM 10 A. Yes.

03:50PM 11 Q. Like it just popped in your head over the last two weeks
03:50PM 12 that you recalled an incident where you allege
03:50PM 13 Mr. Bongiovanni brought you into a DEA garage; do you
03:50PM 14 remember that?

03:50PM 15 A. I remember that, yes.

03:50PM 16 Q. That was something that came up in a witness prep session
03:50PM 17 prior to your testimony?

03:50PM 18 A. Yes.

03:50PM 19 Q. And you claimed that this particular garage was at the
03:50PM 20 Electric Tower?

03:50PM 21 A. Next to it.

03:50PM 22 Q. Next door to it?

03:50PM 23 A. I believe so, yes.

03:50PM 24 Q. And it was underground?

03:50PM 25 A. It was an underground garage.

03:50PM 1 Q. And I think what you stated was that it happened sometime
03:51PM 2 when?

03:51PM 3 A. 2014, '15. That timeframe. Maybe '16. I don't recall.

03:51PM 4 Q. So '14, '15 or '16, best of --

03:51PM 5 A. Again, I -- I -- best of my recollection, yes.

03:51PM 6 Q. And I think what you stated was that on this particular
03:51PM 7 date, whenever it was, you were going over the DEA to go pick
03:51PM 8 up Mr. Bongiovanni; is that right?

03:51PM 9 A. I followed him to drop off his vehicle, and then I was
03:51PM 10 gonna give him a ride back home.

03:51PM 11 Q. Okay. So to give him a lift; is that right?

03:51PM 12 A. Yes.

03:51PM 13 Q. And I think you said you -- you got to the garage where
03:51PM 14 it was located, right?

03:51PM 15 A. Yes.

03:51PM 16 Q. And it was something where there was some type of gate
03:51PM 17 with a sensor in front of it?

03:51PM 18 A. Yes.

03:51PM 19 Q. And he opened it up and you can't drive in there, right?

03:51PM 20 A. I left my car outside, obviously.

03:51PM 21 Q. And then you -- you walked into the building when he was
03:51PM 22 dropping the car off in the space?

03:51PM 23 A. It was like a garage area. I walked underneath, yes.

03:51PM 24 Q. And you stated that while you're inside the garage, you
03:51PM 25 saw a bunch of vehicles that -- that you recognized as

1 government vehicles?

2 A. Yes, there was different surveillance vehicles. That's

3 why I mentioned the utility vehicle, I believe I thought

4 there was a cab, a lot of -- there was Chargers, Tahoes.

5 Q. So the same blackout window, government-type vehicles we

6 talked about earlier?

7 A. Yes, yes.

8 Q. With the exception of that utility truck, right?

9 A. Correct.

10 Q. And you had asked the question of, hey -- hey, Joe, what

11 are all these cars?

12 A. I did. I asked. He said we use them for surveillance.

13 Q. Okay.

14 A. It was a generic question.

15 Q. And that was the -- the extent of the answer you got?

16 A. That was it. That was it.

17 Q. And then you guys leave the garage and go into the car?

18 A. I left first. I went to my car. He locked up, do what

19 he had to do, and then came.

20 Q. And you drive away after that?

21 A. Yep.

22 Q. And that's it, right?

23 A. That's it.

24 Q. And you mentioned a little bit about the utility trucks,

25 make sure that they, you know, don't hang out -- outside your

03:52PM 1 house too much; is that right?

03:52PM 2 A. If you see one for an extended period of time at the end
03:52PM 3 of the black, three, four days, that can raise a red flag.

03:53PM 4 Q. So you talked about how you're not a 100 percent sure
03:53PM 5 when you had this conversation but you think it occurred
03:53PM 6 sometime in 2014 or '15, around those time periods, right?

03:53PM 7 A. Around those time frames, yes.

03:53PM 8 Q. But the marijuana conspiracy in this particular case that
03:53PM 9 you're involved in goes all the way back to 2008, right?

03:53PM 10 A. Correct.

03:53PM 11 Q. And that's when you allege that Mr. Bongiovanni starts
03:53PM 12 accepting payments for information, correct?

03:53PM 13 A. Correct.

03:53PM 14 Q. And during that period of time, you would drive your
03:53PM 15 vehicle with marijuana in it, right?

03:53PM 16 A. That's correct.

03:53PM 17 Q. From like the grow site down in the Southern Tier all the
03:53PM 18 way up to your house; is that right?

03:53PM 19 A. My house or Ron's, wherever we're meeting Ron usually,
03:53PM 20 that was the rendezvous point.

03:53PM 21 Q. And you talked about how when you would do this, you
03:53PM 22 would sometimes try to do it during rush hour so you wouldn't
03:53PM 23 try to --

03:53PM 24 A. Correct.

03:53PM 25 Q. -- you know, bring any attention to yourself; is that

03:53PM 1 right?

03:53PM 2 A. That's correct.

03:53PM 3 Q. So you had these conversations years after you're already
03:53PM 4 engaging in that type of activity, correct?

03:53PM 5 A. Yes.

03:53PM 6 Q. So, you weren't really protected back in 2008 or '9 when
03:54PM 7 you were transporting drugs, right?

03:54PM 8 A. It was -- when we were transporting, we drove during rush
03:54PM 9 hour. We were told to go during rush hour, that's the best
03:54PM 10 way to blend in, and that's what we did.

03:54PM 11 Q. Yep. But Mr. Bongiovanni didn't share that information
03:54PM 12 with you at that point in time, right? That was something
03:54PM 13 you learned on your own?

03:54PM 14 A. We learned that on our own, yes, that's the best time to
03:54PM 15 go.

03:54PM 16 Q. And you learned on your own at that point in time to,
03:54PM 17 hey, you know, watch out for potential police vehicles; is
03:54PM 18 that right?

03:54PM 19 A. Surveillance vehicle, but not particular types, but just
03:54PM 20 in general a regular police car, a state trooper car, you
03:54PM 21 want to blend in during rush hour, go the speed limit, don't
03:54PM 22 cause any attention to yourself.

03:54PM 23 Q. So you didn't look out for any type of, you know, tinted
03:54PM 24 windows, government-type vehicles?

03:54PM 25 A. All -- all of that, yes.

03:54PM 1 Q. Yeah, because you already knew that information, right?

03:54PM 2 A. At that time, yes, we were going during the -- the flow
03:54PM 3 of traffic and we were aware of everything.

03:54PM 4 Q. Yeah, I mean that was not some special police information
03:54PM 5 you got. That was just a tactic that drug dealers use,
03:54PM 6 right?

03:54PM 7 A. Correct. It was just basic information.

03:55PM 8 Q. Um-hum, and that's something you learned as working for
03:55PM 9 drug dealers, right?

03:55PM 10 A. Correct.

03:55PM 11 Q. You learned about how to conceal the marijuana in your
03:55PM 12 car, not based on anything that Bongiovanni told you, but
03:55PM 13 just working for drug dealers, right?

03:55PM 14 A. Correct. Conceal it and drive slow and drive during
03:55PM 15 business hours -- or rush hour, I'm sorry.

03:55PM 16 Q. And you talked a little bit, too, about -- about watching
03:55PM 17 Mr. Bongiovanni trying to watch out for transportation of
03:55PM 18 marijuana between New York City, the trips that Ron Serio and
03:55PM 19 some others would take sometimes?

03:55PM 20 A. Yes.

03:55PM 21 Q. And you talked about that he would -- would try to keep a
03:55PM 22 watchful eye out during these operations; is that right?

03:55PM 23 A. Correct. When the travel periods were going, correct.

03:55PM 24 Q. But you never spoke in your testimony about providing him
03:55PM 25 any type of license plate numbers for the vehicles that were

03:55PM 1 transporting marijuana, right?

03:55PM 2 A. No.

03:55PM 3 Q. You didn't talk about providing information about the
03:55PM 4 particular drivers who were transporting the marijuana,
03:55PM 5 correct?

03:55PM 6 A. I told them the drivers. It was Masecchia and Serio that
03:56PM 7 would have been going.

03:56PM 8 Q. Okay. But what about the greater operation? What I'm
03:56PM 9 talking about now is trucks that were transporting marijuana
03:56PM 10 from places out west. You didn't provide him any specific
03:56PM 11 information about those people, right?

03:56PM 12 A. No. I didn't -- I didn't have that, no.

03:56PM 13 Q. And you didn't provide him any specific information about
03:56PM 14 people who were transporting marijuana from Canada, right?

03:56PM 15 A. Correct.

03:56PM 16 Q. When Mr. Serio was dealing with Mr. Gerace, you were
03:56PM 17 familiar with the fact that Anthony Gerace was helping to
03:56PM 18 transport marijuana for him at some point in time, right?

03:56PM 19 A. I -- I heard that, yes. He was transporting for him,
03:56PM 20 yes.

03:56PM 21 Q. But you never provided any specific information about
03:56PM 22 those drivers or when they were crossing the border to
03:56PM 23 Mr. Bongiovanni, right?

03:56PM 24 A. No. I -- I didn't know he was going -- I didn't know
03:56PM 25 where he was going with it. I -- it never came up.

1 Their -- their objective was just to know if there was
2 anything going on when they were from California, British
3 Columbia, New York City. And that's what I relayed.

4 Q. And I guess this expectation was that he was going to
5 provide some type of protection or information about
6 investigations on those type of activities, right?

7 A. If those vehicles were -- if there was an investigation,
8 yes.

9 Q. But you didn't provide any information to help them take
10 a look and see if any of those vehicles were flagged, right?

11 A. No. The objective was if he had heard anything. If he
12 had heard anything while these guys are traveling, it would
13 be a great -- great knowledge.

14 Q. And that's what Ron Serio was paying \$4,000 a month for?

15 A. Yes, if they -- when they were traveling, told them when
16 they were going and this is the route they're going through,
17 New York to Brooklyn wherever it was, if anything was to
18 happen, let us know, let them know.

19 Q. So, let's talk a little bit about Ron Serio.

20 So, Ron Serio, you knew him as the head of the
21 conspiracy, correct?

22 A. Correct.

23 Q. He was the person who would cash out Mike Masecchia; is
24 that right?

25 A. Correct.

03:58PM 1 Q. And that was in the earlier part of the days, right?

03:58PM 2 A. Correct.

03:58PM 3 Q. But later, as things started to expand, Mike Masecchia
03:58PM 4 took a more active role in the -- in the overall operation,
03:58PM 5 correct?

03:58PM 6 A. That's correct.

03:58PM 7 Q. The day-to-day management of -- of how marijuana is
03:58PM 8 getting imported, correct?

03:58PM 9 A. He was with Ron on that. Ron was still coordinating all
03:58PM 10 that, I believe.

03:58PM 11 Q. Yeah, and it wasn't just that Mike Masecchia was still
03:58PM 12 doing the outdoor grows down in Franklinville, right?

03:58PM 13 A. No, he had expanded with Ron, correct.

03:58PM 14 Q. Yeah. I mean at that point in time as you get later in
03:58PM 15 the conspiracy before Ron Serio's arrest, he's involved in
03:58PM 16 the indoor grow operations, right?

03:58PM 17 A. Yes.

03:58PM 18 Q. He's involved in the importation activities, correct?

03:58PM 19 A. That's correct.

03:58PM 20 Q. Coordinating visits with Ron Serio with some potential
03:58PM 21 people might be able to provide marijuana, correct?

03:58PM 22 A. That's correct.

03:58PM 23 Q. Also helping identify individuals who might be potential
03:58PM 24 sellers down the chain, right?

03:58PM 25 A. I believe so, correct.

03:58PM 1 Q. So he's not just kind of a bit player, he's doing an
03:59PM 2 outdoor grow at that point?

03:59PM 3 A. No, like I mentioned, his role had expanded.

03:59PM 4 Q. But as far as your role in the organization, it's
03:59PM 5 something that remained pretty static throughout the entirety
03:59PM 6 of the operation, right?

03:59PM 7 A. Yes.

03:59PM 8 Q. But you were limited to the outdoor grows, correct?

03:59PM 9 A. Correct.

03:59PM 10 Q. You were limited to the indoor grows that occurred in
03:59PM 11 your house, right?

03:59PM 12 A. Correct.

03:59PM 13 Q. You're limited to some of the activities as far as
03:59PM 14 breaking down the marijuana and packaging it when it was
03:59PM 15 ready after harvest?

03:59PM 16 A. Correct.

03:59PM 17 Q. Whether it was indoor or outdoor?

03:59PM 18 A. Correct, just help them clean it up, trim it, correct.

03:59PM 19 Q. And then that role, of course, was the -- the
03:59PM 20 communication piece between Ron Serio, Mike Masecchia and Joe
03:59PM 21 Bongiovanni, correct?

03:59PM 22 A. That's correct.

03:59PM 23 Q. Okay. So, as far as Ron Serio was concerned, you're
03:59PM 24 aware of the fact that he abused drugs during the course of
03:59PM 25 the conspiracy, correct?

03:59PM 1 A. I've heard that, yes. He got tied up in drug use, yes.

03:59PM 2 Q. Yeah. And we're not talking about, like, marijuana.

03:59PM 3 We're talking about hard drugs, correct?

03:59PM 4 A. Correct.

03:59PM 5 Q. We're talking about opiates?

03:59PM 6 A. Correct.

03:59PM 7 Q. Talking about both pills and heroin, right?

04:00PM 8 A. Correct.

04:00PM 9 Q. We're talking about amphetamines, right?

04:00PM 10 A. Correct.

04:00PM 11 Q. We're talking about cocaine?

04:00PM 12 A. Correct. I heard that, yes.

04:00PM 13 Q. And, you know, these are things -- I think at one point

04:00PM 14 in time in a proffer interview, you remember describing him

04:00PM 15 as being a mess to the government, correct?

04:00PM 16 A. Yes.

04:00PM 17 Q. So these are things, his addictions, his use of these

04:00PM 18 drugs, affected his judgment, memory sometimes, right?

04:00PM 19 A. Yes.

04:00PM 20 Q. I mean, you know, you've used drugs in your life,

04:00PM 21 correct?

04:00PM 22 A. Yes.

04:00PM 23 Q. And when you used drugs in the past, they affected your

04:00PM 24 memory and judgment, correct?

04:00PM 25 A. Yes. I've never used heroin or what he was using, but

04:00PM 1 yes.

04:00PM 2 Q. Yeah.

04:00PM 3 A. Yes.

04:00PM 4 Q. I mean, like you weren't using those really hard core

04:00PM 5 drugs, right?

04:00PM 6 A. No.

04:00PM 7 Q. I mean, you used cocaine, right?

04:00PM 8 A. Recreational drugs, yes.

04:00PM 9 Q. Um-hmm.

04:00PM 10 A. Yes.

04:00PM 11 Q. But you weren't into, like, the opiate stuff, right?

04:00PM 12 A. No.

04:00PM 13 Q. And you've seen other people who have used those type of

04:00PM 14 drugs, right?

04:00PM 15 A. Yes.

04:00PM 16 Q. I mean, it's not something that's very pretty, right?

04:00PM 17 When they're --

04:00PM 18 A. It's not.

04:00PM 19 Q. -- heavily --

04:00PM 20 A. No.

04:01PM 21 Q. -- addicted. And they suffer from some type of memory

04:01PM 22 problems and judgment calls, correct?

04:01PM 23 A. Correct, it's hard to function.

04:01PM 24 Q. So Ron Serio, he was also somebody who had a lot of

04:01PM 25 money, right?

04:01PM 1 A. He did, yes.

04:01PM 2 Q. Yeah, I mean, we've seen the -- the pictures of the

04:01PM 3 mansion on Lebrun that we've been talking about, right?

04:01PM 4 A. Yes, sir.

04:01PM 5 Q. You've been over there, right?

04:01PM 6 A. A few times, I was there, yes.

04:01PM 7 Q. I mean, it's a pretty lavish place, right?

04:01PM 8 A. Yes, it was.

04:01PM 9 Q. It was a lavish place before he put some money into

04:01PM 10 renovating it, right?

04:01PM 11 A. I saw before and after, yes.

04:01PM 12 Q. And it looked even more beautiful afterwards, right?

04:01PM 13 A. It did.

04:01PM 14 Q. Okay. And he was somebody you know drove luxury cars,

04:01PM 15 right?

04:01PM 16 A. Yes.

04:01PM 17 Q. He also owned multiple properties, right?

04:01PM 18 A. Yes.

04:01PM 19 Q. He was in a much better financial situation than you

04:01PM 20 were, correct?

04:01PM 21 A. Oh, yes.

04:01PM 22 Q. Like hand over fist, right?

04:01PM 23 A. Twice.

04:01PM 24 Q. And he was in a better financial situation than Mike

04:01PM 25 Masecchia was, right?

04:01PM 1 A. Yes.

04:01PM 2 Q. So as far as your involvement in the conspiracy, I know
04:02PM 3 you mentioned that you got cuts from some of these outdoor
04:02PM 4 grows; is that right?

04:02PM 5 A. Correct, percentages, yes.

04:02PM 6 Q. You got percentages based on information that you helped
04:02PM 7 act as a conduit between Mr. Bongiovanni and Ron Serio and
04:02PM 8 Mike Masecchia, as you were talking about yesterday on the
04:02PM 9 stand?

04:02PM 10 A. Correct. And participation as well, helping. Yes, the
04:02PM 11 overall spectrum of it, yes.

04:02PM 12 Q. Yeah. And there's some other monetary allotments you
04:02PM 13 would get from Ron Serio, like, so if you stored marijuana in
04:02PM 14 his -- in the inside of your house, you would make money off
04:02PM 15 of that, right?

04:02PM 16 A. A little bit, yes.

04:02PM 17 Q. When you acted as a place where Ron Serio could do an
04:02PM 18 indoor grow operation in your basement, you'd get money for
04:02PM 19 that, right?

04:02PM 20 A. Yes.

04:02PM 21 Q. They'd pay your utilities and electric bills?

04:02PM 22 A. Yes. I explained that, yes.

04:02PM 23 Q. You'd also get cuts from the organization to the extent
04:02PM 24 that you helped them with any type of distribution
04:02PM 25 material -- activities, right?

04:02PM 1 A. I wasn't involved in that part, no. It was primarily Ron
04:03PM 2 and Mike.

04:03PM 3 Q. Yeah, I should have been a little more specific than
04:03PM 4 that. What I'm talking about transportation activities,
04:03PM 5 right?

04:03PM 6 A. I wasn't cut in. No, whatever was from outdoor --

04:03PM 7 Q. Okay.

04:03PM 8 A. -- yes. If it was an outdoor, yes, but whatever they had
04:03PM 9 going on, I was not privy to and transporting.

04:03PM 10 Q. You were not a part of that?

04:03PM 11 A. No, they have other things they going on that I was not
04:03PM 12 part of, no.

04:03PM 13 Q. And notwithstanding all this income that you were
04:03PM 14 receiving from this illegal funnel from the drug-trafficking
04:03PM 15 organization, you still had financial problems, right?

04:03PM 16 A. Yes.

04:03PM 17 Q. Like, so, for instance, we talked about the suit for
04:03PM 18 Joe's wedding, right?

04:03PM 19 A. Yes.

04:03PM 20 Q. Like, he bought that for you, right?

04:03PM 21 A. Yes.

04:03PM 22 Q. And if, you know, you were asked to go purchase a \$600
04:03PM 23 suit, you'd create some problems for you potentially, right?

04:03PM 24 A. It was expensive. Yes, it --

04:03PM 25 Q. And, so, as far as the payments, again, you were never

1 part of Ron Serio setting aside a particular amount of money
2 for Joseph Bongiovanni, right?

3 A. No. Ron took care of that.

4 Q. And he would provide that money to Mike Masecchia and you
5 were never a part of that, right?

6 A. Correct, it was given to Mike.

7 Q. And when Mike met up with Joe to allegedly provide this
8 money, you were never part of any of those meetings, right?

9 A. No, that meeting was coordinated with them.

10 Q. So you don't really have any firsthand knowledge of the
11 money going from Masecchia to Joseph Bongiovanni?

12 **MR. TRIPI:** Objection as to firsthand knowledge.

13 He's testified about the money going back and forth.

14 I guess define "firsthand knowledge."

15 **MR. SINGER:** I'll withdraw the question and ask it
16 another way, Judge.

17 **THE COURT:** Okay.

18 **BY MR. SINGER:**

19 Q. You never observed Mike Masecchia hand money to Joseph
20 Bongiovanni, right?

21 A. No. But I know it went there.

22 Q. Yeah, that's based on what you've been telling the jury
23 about as far as information being shared back and forth,
24 right?

25 A. That, and his expenses being covered and spending more,

04:04PM 1 yes.

04:04PM 2 Q. Like so those expenses, we're talking about the

04:05PM 3 improvements to the 85 Alder Place, right?

04:05PM 4 A. Lifestyle, everything.

04:05PM 5 Q. Yeah, we're talking about --

04:05PM 6 A. Money could be spent a lot of different ways.

04:05PM 7 Q. Yeah. We're talking about shopping at Napoli's, his

04:05PM 8 brother-in-law's store, right?

04:05PM 9 A. Sure.

04:05PM 10 Q. Which you classified as a high-end clothing store?

04:05PM 11 A. Yes.

04:05PM 12 Q. And we talked about the Rolex that you allegedly observed

04:05PM 13 in the closet in that picture, correct?

04:05PM 14 A. Yes.

04:05PM 15 Q. We talked about the Invicta watches that you think may

04:05PM 16 have been more expensive than yours?

04:05PM 17 A. Yes.

04:05PM 18 Q. We talked about other things as far as his lifestyle, how

04:05PM 19 many houses he kept, right?

04:05PM 20 A. Correct.

04:05PM 21 Q. But I think you testified, too, when we went through a

04:05PM 22 lot of those things, you weren't really 100 percent sure

04:05PM 23 about how Mr. Bongiovanni paid for those items, right?

04:05PM 24 A. No.

04:05PM 25 Q. You weren't sure about whether he financed particular

04:05PM 1 items, right?

04:05PM 2 A. I'm not aware of that, no.

04:05PM 3 Q. Yeah. So like you're not, for instance, aware of how he
04:05PM 4 financed or if he financed the 221 Lovering property that he
04:05PM 5 purchased from his parents, right?

04:05PM 6 A. I'm not aware of how the financing went, no.

04:06PM 7 Q. You're not aware of the finances for the 85 Alder Place,
04:06PM 8 right?

04:06PM 9 A. I'm not aware of that, no.

04:06PM 10 Q. And you're not aware of how he financed these watches
04:06PM 11 that you allege he owns, right?

04:06PM 12 A. No, sir.

04:06PM 13 Q. I mean, you don't even know if he, like, took a loan out
04:06PM 14 for a Rolex or something like that, right?

04:06PM 15 A. I have no idea.

04:06PM 16 Q. Yeah. I mean, you don't even know if it's a Rolex,
04:06PM 17 right?

04:06PM 18 A. It looked like a Rolex.

04:06PM 19 Q. Well, I know you said that. I know you said that.

04:06PM 20 A. Again, that was my assumption. It looked like a Rolex.
04:06PM 21 My opinion.

04:06PM 22 Q. But you don't know?

04:06PM 23 A. I don't know.

04:06PM 24 Q. Yeah. You don't know, right?

04:06PM 25 A. No.

04:06PM 1 Q. That's okay. So, as far as these other things that you
04:06PM 2 talked about with the finances, you think Mr. Bongiovanni is
04:06PM 3 living a high lifestyle, but you don't know how he's
04:06PM 4 financing it, right?

04:06PM 5 A. No.

04:06PM 6 Q. Your assumption is, is well, he must be using this --
04:06PM 7 this bribe money to pay for these things, right?

04:06PM 8 A. To subsidize it, yes.

04:06PM 9 Q. And that's based on the fact that you had these
04:06PM 10 conversations with him where sometimes he complained about
04:06PM 11 the quabbles that he had with his ex-spouse over how much
04:06PM 12 money was being spent on his daughter by him versus her,
04:07PM 13 right?

04:07PM 14 A. Yes. She was not working, like I mentioned, and he was
04:07PM 15 picking up the majority of the expenses.

04:07PM 16 Q. Um-hmm. So, the main reason why you got into this
04:07PM 17 conspiracy, again, was -- was to help supplement your own
04:07PM 18 income, right?

04:07PM 19 A. Correct.

04:07PM 20 Q. And part of the reason, too, was that you knew some of
04:07PM 21 the people that were involved because you grew up with them,
04:07PM 22 right?

04:07PM 23 A. That's correct.

04:07PM 24 Q. And the other part of it was that you had a value add for
04:07PM 25 Ron Serio because, unlike him or Mike Masecchia, he knew Joe

04:07PM 1 Bongiovanni very well, right?

04:07PM 2 A. Correct.

04:07PM 3 Q. You had an established friendship with him at that time,
04:07PM 4 right?

04:07PM 5 A. Correct.

04:07PM 6 Q. Right. So you claim that this conspiracy lasted until
04:07PM 7 the day that Ron Serio was arrested in April 2017, right?

04:07PM 8 A. Correct.

04:07PM 9 Q. The money payments continued to Joe Bongiovanni right up
04:07PM 10 until that point?

04:07PM 11 A. Right up until that, yes, everything fell apart, then it
04:07PM 12 stopped.

04:07PM 13 Q. So, let's fast forward. After Ron Serio's arrest in June
04:08PM 14 of 2019, you become aware of the fact that the federal
04:08PM 15 government executed a search warrant at Joe Bongiovanni's
04:08PM 16 home, right?

04:08PM 17 A. Correct.

04:08PM 18 Q. And that was something you learned, I think, through --
04:08PM 19 through friends; is that right?

04:08PM 20 A. Through a -- I heard about it through a girl I was with
04:08PM 21 at the time, yes. And then word had gotten out, yes.

04:08PM 22 Q. And you heard about this and -- and that's something that
04:08PM 23 you testified yesterday, it scared you, right?

04:08PM 24 A. Yes.

04:08PM 25 Q. Because it was something that -- that you had concerns

04:08PM 1 about if -- if his house was raided, maybe I'm next, right?

04:08PM 2 A. I was next. I was next.

04:08PM 3 Q. Um-hum. Yeah, a couple months later --

04:08PM 4 A. So was Mike Masecchia, same day.

04:08PM 5 Q. Couple months later?

04:08PM 6 A. August 23rd.

04:08PM 7 Q. August 23rd is when the federal government executed a

04:08PM 8 search warrant at your house, right?

04:08PM 9 A. And Mike Masecchia's.

04:08PM 10 Q. And Mike Masecchia's, yeah. I'm talking about Joe

04:08PM 11 Bongiovanni?

04:08PM 12 A. And he was -- it was in May for him.

04:08PM 13 Q. Yeah. It was earlier, right?

04:08PM 14 A. Believe so.

04:08PM 15 Q. Okay. So two weeks prior to your arrest, do you remember

04:09PM 16 reading an article on your cell phone about two politicians

04:09PM 17 who went to prison for crimes they committed?

04:09PM 18 A. I don't recall.

04:09PM 19 Q. Well, let's -- let's see if we can refresh your

04:09PM 20 recollection on that. So, you recall in your direct

04:09PM 21 testimony that HSI was the investigating agency that -- that

04:09PM 22 went into your house the day of the search warrant, right?

04:09PM 23 A. Correct.

04:09PM 24 Q. And you testified about how, during the time that they

04:09PM 25 were there, one of the things they did was they seized your

04:09PM 1 cell phone, right?

04:09PM 2 A. That's correct.

04:09PM 3 Q. And you testified yesterday that you took a look at the

04:09PM 4 contents of a drive that contained a copy of your cell

04:09PM 5 phone's contents, right?

04:09PM 6 A. Correct.

04:09PM 7 Q. And that was something that was substantially the same

04:09PM 8 condition, right?

04:09PM 9 A. Correct.

04:09PM 10 Q. When it was seized by the federal government, correct?

04:09PM 11 A. Correct.

04:09PM 12 Q. And that had a litany of information regarding what

04:09PM 13 happened on your cell phone up until the point that it was

04:09PM 14 seized, right?

04:09PM 15 A. Correct.

04:09PM 16 Q. And you had that phone for -- for a period of several

04:09PM 17 years prior to the time that the federal government came in

04:09PM 18 your house, right?

04:10PM 19 A. Yes.

04:10PM 20 Q. So, are you aware of the fact that search history on your

04:10PM 21 phone, is something that is maintained on your phone and can

04:10PM 22 be seen and copied on your phone?

04:10PM 23 A. I -- I am aware of that, yes.

04:10PM 24 Q. Okay. So I want to show you a copy of one of the

04:10PM 25 searches. I'll hand you up a document, sir.

04:10PM 1 **THE COURT:** Has it been marked?

04:10PM 2 **MR. TRIPI:** No.

04:10PM 3 **MR. SINGER:** It's not been marked, Judge. I'm just
04:10PM 4 using it to refresh his recollection.

04:10PM 5 **MR. TRIPI:** Yeah, I'd like it marked.

04:10PM 6 **THE COURT:** Of course, you have to mark it.

04:10PM 7 **MR. SINGER:** Mr. Selva, do you mind if I take that
04:10PM 8 back real quick?

04:11PM 9 **MR. TRIPI:** Where is this in Exhibit 208?

04:11PM 10 We might need a moment here, Judge. We might need a
04:11PM 11 moment here, Judge. I -- I -- I'm not recognizing this.

04:11PM 12 **THE COURT:** Do -- do you want to come up?

04:11PM 13 **MR. TRIPI:** Sure.

04:11PM 14 (Sidebar discussion held on the record.)

04:11PM 15 **MR. TRIPI:** I apologize in advance, but I don't have
04:11PM 16 all of Exhibit 208 memorized. But -- fair, fair enough. But,
04:11PM 17 in the moment I'm handed this, I can't match the front page to
04:11PM 18 the search history.

04:11PM 19 This is not a report that we created. The whole
04:11PM 20 extraction is turned over, but I should have had this before.
04:11PM 21 So now I'm -- I'm trying to see if I can authenticate it in
04:12PM 22 the ten seconds he wants to throw it in front of the witness.
04:12PM 23 I should have had this before this moment.

04:12PM 24 **THE COURT:** Okay.

04:12PM 25 **MR. SINGER:** It's very easy. So, this is his cell

1 phone copy, right? The electronic copy of the government --

2 **MR. TRIPI:** How do I link the cover page to this,
3 what you've stapled? So --

4 **MR. SINGER:** So this is the first page of the
5 Cellebrite regarding the phone.

6 **MR. TRIPI:** Yeah, I see that.

7 **MR. SINGER:** The second page is regarding the history
8 tab --

9 **MR. TRIPI:** But what --

10 **MR. SINGER:** -- and search for the word present.

11 **THE COURT:** Hold on. Stop, stop.

12 (Simultaneous talking.)

13 **THE COURT:** Yes, I'm trying to stop everyone --

14 **MR. TRIPI:** I'm sorry.

15 **THE COURT:** -- and hear Mr. Singer.

16 Go ahead.

17 **MR. SINGER:** Thank you.

18 So this is the web's history tab in Cellebrite.

19 There's a word search for the word "prison." This particular
20 article comes up as a word search on 8/11/2019.

21 **COURT REPORTER:** Speak louder, please.

22 **MR. SINGER:** I'm sorry, Ann.

23 This -- this -- this particular word search comes in
24 at 8/11/2019. This is the particular link to that one
25 article.

1 This is in an expanded form regarding what the title
2 of the article is, and again the link.

3 And this is a copy of the article itself.

4 **MR. COOPER:** Which is not in Exhibit 208, right?

5 **MR. SINGER:** It's not something that's saved in the
6 phone, it's the --

7 **MR. TRIPI:** Yeah, yeah, yeah, yeah.

8 **MR. COOPER:** It's not a part of Exhibit 208.

9 **MR. TRIPI:** It's not a part of what he authenticated.
10 They went and did a Google search, and then stapled
11 it to the cover sheet.

12 **THE COURT:** This is not in 208?

13 **MR. SINGER:** So this particular article is the link
14 in 208.

15 **MR. COOPER:** So "no" is the answer to your question.

16 **COURT REPORTER:** Speak louder, please.

17 **MR. COOPER:** So "no" is the answer to the Judge's
18 question.

19 **THE COURT:** Everything except the article --

20 **MR. SINGER:** The article's not saved. So the phone
21 contents --

22 **THE COURT:** Let me -- let me finish my question --

23 **MR. SINGER:** Sure, Judge.

24 **THE COURT:** -- and then you can answer the question.
25 I know you guys are very -- you probably know what I'm going

04:13PM 1 to ask. But the first three pages of this are part of 208.

04:14PM 2 **MR. SINGER:** Part of the Cellebrite software, yes,
04:14PM 3 Judge.

04:14PM 4 **THE COURT:** Okay.

04:14PM 5 **MR. TRIPI:** Can we pull it up on 208 on the screen?
04:14PM 6 They clearly know where it is. Let's pull it up in 208 and
04:14PM 7 show them, and then I'll have no issue.

04:14PM 8 **MR. SINGER:** I don't know if we have, like, the link
04:14PM 9 itself inside -- I don't know, like, what the internet access
04:14PM 10 is going to be like off the link.

04:14PM 11 **THE COURT:** Should we do this Tuesday morning?

04:14PM 12 **MR. SINGER:** I mean --

04:14PM 13 **MR. TRIPI:** I'd like to try to finish the witness.

04:14PM 14 **THE COURT:** I would, too.

04:14PM 15 **MR. SINGER:** Yeah.

04:14PM 16 **MR. TRIPI:** Yeah. But, I mean, I just have no, you
04:14PM 17 know --

04:14PM 18 **THE COURT:** Can you -- can -- can you do it without
04:14PM 19 showing him the article itself?

04:14PM 20 **MR. SINGER:** So, like, he doesn't have -- he
04:14PM 21 testified he didn't have a specific recollection of the
04:14PM 22 article. Like, we haven't gotten to the point where he's
04:14PM 23 taking a look --

04:14PM 24 **THE COURT:** We certainly can show him the article and
04:14PM 25 ask him if he remembers searching for this article on his --

04:14PM 1 his cell phone.

04:14PM 2 **MR. SINGER:** Yeah. I mean, that's -- we're getting
04:14PM 3 that here.

04:14PM 4 **THE COURT:** Yeah. I think he -- he can ask him if
04:14PM 5 that refreshes his recollection as to whether he --

04:14PM 6 Yeah, I think he can do that. I mean, he can show
04:15PM 7 him anything, right?

04:15PM 8 **MR. TRIPI:** Yeah, I agree with that legal concept,
04:15PM 9 you can show anything to refresh recollection.

04:15PM 10 **MR. COOPER:** The concern that I had is stapling the
04:15PM 11 cover sheet of the extraction --

04:15PM 12 **MR. TRIPI:** Right.

04:15PM 13 **MR. COOPER:** -- and making it look like the article
04:15PM 14 is in the extraction, when the article --

04:15PM 15 **THE COURT:** Stop.

04:15PM 16 **MR. COOPER:** -- is not, there's a hyperlink in there.

04:15PM 17 **THE COURT:** Stop. These things from 208, we can mark
04:15PM 18 this separately.

04:15PM 19 **MR. TRIPI:** That's fine.

04:15PM 20 **MR. SINGER:** Okay.

04:15PM 21 **THE COURT:** And then -- and then ask him some
04:15PM 22 questions. You can show him -- you can show him anything you
04:15PM 23 want to refresh his recollection.

04:15PM 24 **MR. SINGER:** Okay.

04:15PM 25 **THE COURT:** So, I think that's the solution to this

04:15PM 1 problem.

04:15PM 2 **MR. SINGER:** Okay. That's fine.

04:15PM 3 (End of sidebar discussion.)

04:15PM 4 **THE COURT:** So let -- let us know what you're
04:15PM 5 marking, Mr. Singer.

04:15PM 6 **MR. SINGER:** Yes, Judge.

04:16PM 7 So I'm going to mark as Defendant Exhibit U.1 a copy
04:16PM 8 of the extraction details, and as U.2 for identification, a
04:16PM 9 copy of an article off the hot link. Okay?

04:16PM 10 **THE COURT:** Fine.

04:16PM 11 **MR. SINGER:** So I'm going to hand up to the witness a
04:16PM 12 copy of the Defendant Exhibit U.1.

04:16PM 13 **BY MR. SINGER:**

04:16PM 14 Q. So, Mr. Selva, what I'm going to ask you to do is, first
04:16PM 15 off, do you recognize the information on that first page as
04:16PM 16 the information regarding your cell phone; is that right?

04:16PM 17 A. It's my email -- my email address and my cell phone
04:16PM 18 number, yes.

04:16PM 19 Q. Yes. And you -- you testified earlier that you took a
04:16PM 20 look at the government exhibit of your cell phone, the
04:16PM 21 electronic copy, correct?

04:16PM 22 A. Correct.

04:16PM 23 Q. And you opened up the software, correct?

04:16PM 24 A. Correct.

04:16PM 25 Q. You're familiar with the Cellebrite software, right?

04:16PM 1 A. Yes.

04:16PM 2 Q. And that's what appears on the front page when you open
04:16PM 3 up --

04:16PM 4 A. Yes.

04:16PM 5 Q. -- based on your understanding?

04:16PM 6 A. On my understanding, yes.

04:16PM 7 Q. Okay. So what I'd ask you to do then is -- is turn to
04:17PM 8 the second and third page of that exhibit and take a look at
04:17PM 9 the information there regarding search history and see if
04:17PM 10 that refreshes your memory about a search you performed back
04:17PM 11 in August of 2019 regarding a prison article?

04:17PM 12 A. I can't -- the one that's highlighted?

04:17PM 13 Q. Yes, sir.

04:17PM 14 A. I can't read that. It says --

04:17PM 15 Q. Is the font too small?

04:17PM 16 A. I just can't read it. It's too --

04:17PM 17 **MR. SINGER:** Hey, Jen, can we set up the ELMO just
04:17PM 18 for the witness?

04:17PM 19 **THE WITNESS:** I'm looking at it. I can --

04:17PM 20 **BY MR. SINGER:**

04:17PM 21 Q. Does that make it a little better, Mr. Selva?

04:17PM 22 A. Yes.

04:17PM 23 Q. Okay. When you're ready to move on to the next page,
04:18PM 24 just tell me.

04:18PM 25 A. Okay. Okay.

Q. So does looking at U.1 help refresh your memory about a particular article regarding prison that you read back on August 11, 2019?

A. Yes, now it does.

Q. Okay. And so that particular article, to your recollection, discussed the experience of -- of two individuals who were politicians and their experience in -- in prison?

A. I don't recall what the article was, sir. I -- I vaguely remember Googling that, and looking at it, but if that's what it was, yes.

Q. Sir, let me try to refresh your memory again.

So what I'm going to do is hand up a copy of Defendant's Exhibit U.2 to you for identification?

THE COURT: U.2?

MR. SINGER: U.2, yes, Judge.

BY MR. SINGER:

Q. Take a look through that document, sir, and just look up at me when you're done.

A. Okay.

Q. So does that help refresh your memory about the article, sir?

A. Yes.

Q. So there's an article about the experience of two politicians who are incarcerated; is that right?

04:19PM 1 A. Correct.

04:19PM 2 Q. And you learned through reading that article that people
04:19PM 3 who are convicted felons and went to jail, their time in jail
04:19PM 4 is difficult, correct?

04:19PM 5 A. Correct.

04:19PM 6 Q. You read about, you know, certain tactics that the
04:20PM 7 government used that they allege the government used in their
04:20PM 8 particular cases, correct?

04:20PM 9 A. Yes. Correct.

04:20PM 10 Q. You learned about the financial difficulties that can
04:20PM 11 arise from criminal prosecution, correct?

04:20PM 12 A. Correct.

04:20PM 13 Q. You -- you read about in the article about how being in
04:20PM 14 the press is something that makes things difficult for a
04:20PM 15 defendant, correct?

04:20PM 16 A. Correct. I -- I don't really recall the article, but
04:20PM 17 what you just -- yes, correct.

04:20PM 18 Q. This is consistent with what you recall in the article,
04:20PM 19 correct?

04:20PM 20 A. Yes.

04:20PM 21 Q. And you knew from the article, too, that, you know,
04:20PM 22 lawyers defending people in criminal cases, they don't come
04:20PM 23 cheap, right?

04:20PM 24 A. No, sir.

04:20PM 25 Q. And when you read all these things in that article two

04:20PM 1 weeks before your arrest, these are things that scared you,
04:20PM 2 correct?

04:20PM 3 A. Yes. Correct.

04:20PM 4 Q. Because you don't have a lot of resources at that point
04:20PM 5 in time to go off and hire an attorney, correct?

04:20PM 6 A. Correct.

04:20PM 7 Q. You don't have a lot of family who's in a position to
04:20PM 8 help purchase an attorney for you because you can't, correct?

04:21PM 9 A. Correct.

04:21PM 10 Q. And you know being in prison is something that
04:21PM 11 potentially could cause you financial problems, right?

04:21PM 12 A. Correct.

04:21PM 13 Q. And, so, two weeks later, your house is searched by the
04:21PM 14 government, correct?

04:21PM 15 A. Correct.

04:21PM 16 Q. You also mentioned that Mike Masecchia's residence was
04:21PM 17 searched on that same date?

04:21PM 18 A. Correct.

04:21PM 19 Q. And you knew why the police were at your house on
04:21PM 20 August 23rd of 2019 almost immediately, right?

04:21PM 21 A. Correct.

04:21PM 22 Q. I mean, right when you heard them blow through your door
04:21PM 23 that morning, you knew why they were there, correct?

04:21PM 24 A. Correct.

04:21PM 25 Q. And you also knew at that point in time that you had grow

04:21PM 1 equipment that was located down in your basement, right?

04:21PM 2 A. I had forgotten about that, but yes, it was there.

04:21PM 3 Q. You have evidence of the crime that they were looking

04:21PM 4 into --

04:21PM 5 A. Yes, it was.

04:21PM 6 Q. -- in your house, right?

04:21PM 7 A. Yes.

04:21PM 8 Q. And you knew at that point in time that -- and Ron Serio

04:21PM 9 had been arrested for a little more than a year, right?

04:21PM 10 A. Correct.

04:22PM 11 Q. And I think you expressed yesterday you had concerns

04:22PM 12 based on the fact that you weren't really aware of what was

04:22PM 13 going on with him that he might be cooperating with the Feds,

04:22PM 14 correct?

04:22PM 15 A. I was not aware, we have not spoken, no.

04:22PM 16 Q. Were you aware at that point in time at least that he was

04:22PM 17 charged with some significant federal offenses, correct?

04:22PM 18 A. Correct.

04:22PM 19 Q. And you were aware that other people involved in this

04:22PM 20 conspiracy like -- like Anthony Gerace was charged whether

04:22PM 21 federal offenses?

04:22PM 22 A. That's correct.

04:22PM 23 Q. And at that point in time, besides being, concerned about

04:22PM 24 going to jail potentially, you worked in a jail, right?

04:22PM 25 A. Correct.

04:22PM 1 Q. You were a corrections officer?

04:22PM 2 A. Correct.

04:22PM 3 Q. At that point in time for a number of months, right?

04:22PM 4 A. Six months, correct.

04:22PM 5 Q. And you worked inside the pods, correct?

04:22PM 6 A. Correct.

04:22PM 7 Q. You were familiar with what jail is like, at least at the

04:22PM 8 local setting, correct?

04:22PM 9 A. Correct.

04:22PM 10 Q. And that's not the best place, right?

04:22PM 11 A. No.

04:22PM 12 Q. I mean, the food is horrible, right?

04:22PM 13 A. Yeah, on occasions.

04:22PM 14 Q. You don't get what you -- you don't get to do what you

04:22PM 15 want to do all the time, right?

04:22PM 16 A. No, no.

04:23PM 17 Q. I mean, you have someone like you as a correction officer

04:23PM 18 telling you what to do if you're a prisoner, right?

04:23PM 19 A. That's correct.

04:23PM 20 Q. Your contact with family --

04:23PM 21 **MR. TRIPI:** Objection. Rule 403 at this point,

04:23PM 22 Judge.

04:23PM 23 **THE COURT:** Overruled.

04:23PM 24 **BY MR. SINGER:**

04:23PM 25 Q. Your contact with family is monitored, right?

04:23PM

1 A. Correct.

04:23PM

2 Q. And it's limited, correct?

04:23PM

3 A. Correct.

04:23PM

4 Q. And you also knew at that point in time that if you went

04:23PM

5 to jail, you're not just be going to jail as Lou Selva, you'd

04:23PM

6 be going to be jail as Lou Selva, a former corrections

04:23PM

7 officer, right?

04:23PM

8 A. Correct.

04:23PM

9 Q. And you learned being inside the prison as a corrections

04:23PM

10 officer that people don't look too kindly on individuals who

04:23PM

11 had an association with law enforcement in the past, right?

04:23PM

12 A. That's correct.

04:23PM

13 Q. So that could potentially make jail in the future worse

04:23PM

14 for you, right?

04:23PM

15 A. That's correct.

04:23PM

16 Q. And, so, these things are running through your head right

04:23PM

17 when the government breaks down your door in the morning of

04:23PM

18 their search, correct?

04:23PM

19 A. A lot of things were going through my head at that time.

04:23PM

20 Q. But these are some of the things, right?

04:24PM

21 A. Yeah., eventually, I guess.

04:24PM

22 Q. I mean, these are some of the things that have been going

04:24PM

23 through your head ever since you got the search conducted at

04:24PM

24 your house, correct?

04:24PM

25 A. Correct.

04:24PM 1 Q. I mean, there's still things that are going on in your
04:24PM 2 head today, right?

04:24PM 3 A. Correct.

04:24PM 4 Q. They're still concerns, right?

04:24PM 5 A. Yes.

04:24PM 6 Q. And, so, with that mindset, you decide that after
04:24PM 7 speaking with your attorney, you want to cooperate with the
04:24PM 8 federal government, right?

04:24PM 9 A. That's correct.

04:24PM 10 Q. And you're aware of the fact when you make that decision
04:24PM 11 that Ron Serio was arrested, right?

04:24PM 12 A. I was.

04:24PM 13 Q. And you testified earlier you're not aware that Ron Serio
04:24PM 14 is a cooperator at that point in time, right?

04:24PM 15 A. I'm not, no.

04:24PM 16 Q. But you're aware of what he knows, right?

04:24PM 17 A. Yes.

04:24PM 18 Q. Yeah, I mean, you're aware of the fact that -- that he is
04:24PM 19 somebody who believes that he provided bribe payments to Joe
04:24PM 20 Bongiovanni, right?

04:24PM 21 A. Correct.

04:24PM 22 Q. And you are aware of the fact that Ron Serio believes
04:25PM 23 that --

04:25PM 24 **MR. TRIPI:** Objection as to what Ron Serio believes.

04:25PM 25 There's two things in there. "You're aware," but

1 that's fine. But that "he believes" is the part I have a
2 problem with.

3 **THE COURT:** Yeah, I agree with that, yes.

4 So -- so that -- that's sustained to the form of the
5 question.

6 **BY MR. SINGER:**

7 Q. You are aware of the fact that -- that Ron Serio made
8 payments to Mike Masecchia, right?

9 A. I am.

10 Q. You're aware of the fact that Ron Serio has payments
11 funneling down to a federal officer, right?

12 A. I am.

13 Q. You're aware of the fact that you are this conduit of
14 information between Ron Serio and Joseph Bongiovanni, right?

15 A. I am.

16 Q. You're aware of the fact that you would help communicate
17 information back and forth purportedly between
18 Mr. Bongiovanni and Ron Serio, right?

19 A. That's correct.

20 Q. And you're aware of the fact that Ron Serio knows all
21 those things, right?

22 A. Correct.

23 Q. So, you know, certainly something on your mind at that
24 point in time that, you know, if Ron Serio does the same
25 thing that I'm about to do, like, I'm really dead in the

04:26PM 1 water, right?

04:26PM 2 A. Yes. Correct. That's --

04:26PM 3 Q. So, in 2019, you end up signing a cooperation agreement
04:26PM 4 with the government; is that right?

04:26PM 5 A. That's correct.

04:26PM 6 Q. And that cooperation agreement --

04:26PM 7 **MR. TRIPI:** Objection as to time. I believe that
04:26PM 8 date was different, 2020.

04:26PM 9 **THE COURT:** Well, do you want to show it to him?

04:26PM 10 **MR. SINGER:** It's okay, Judge.

04:26PM 11 **BY MR. SINGER:**

04:26PM 12 Q. At some point in time after the search, you sign a
04:26PM 13 cooperation agreement with the government, right?

04:26PM 14 A. Correct.

04:26PM 15 Q. And so a part of that cooperation agreement between you
04:26PM 16 and the government talks about how they're not going to
04:26PM 17 charge you with a crime at this point in time, right?

04:26PM 18 A. I believe so, correct.

04:26PM 19 Q. Yeah, you signed a waiver of statute of limitations; is
04:26PM 20 that right?

04:26PM 21 A. That's correct.

04:26PM 22 Q. So they can charge you in the future for a crime; is that
04:26PM 23 right?

04:26PM 24 A. That's correct.

04:26PM 25 Q. But as of today, you're not charged with anything?

04:26PM

1 A. That's correct.

04:26PM

2 Q. And you don't know what eventually the government may

04:26PM

3 charge you with?

04:26PM

4 A. That's correct.

04:26PM

5 Q. You don't know if they ever will charge you with

04:27PM

6 anything, right?

04:27PM

7 A. I don't know.

04:27PM

8 Q. And, so, at this -- at this point in time, you start

04:27PM

9 talking to law enforcement about Ron Serio, correct?

04:27PM

10 A. Correct.

04:27PM

11 Q. You started talking to law enforcement about Mike

04:27PM

12 Masecchia, correct?

04:27PM

13 A. That's correct.

04:27PM

14 Q. And you start talking to law enforcement about Joe

04:27PM

15 Bongiovanni, right?

04:27PM

16 A. That's correct.

04:27PM

17 Q. And it's your understanding that in the first couple of

04:27PM

18 proffer interviews, safe to say the government doesn't

04:27PM

19 believe what you're telling them, right?

04:27PM

20 **MR. TRIPI:** Objection as to what the government

04:27PM

21 believes.

04:27PM

22 **THE COURT:** Yeah, sustained to the form of the

04:27PM

23 question. But you -- you -- you can get at this topic.

04:27PM

24 **BY MR. SINGER:**

04:27PM

25 Q. So, you sit down with the government on the first proffer

04:27PM 1 interview, right?

04:27PM 2 A. Yes.

04:27PM 3 Q. And it's after the statements you made back at your house

04:27PM 4 at the time of the search warrant execution, right?

04:27PM 5 A. That's correct.

04:27PM 6 Q. And you provide them information, correct?

04:27PM 7 A. At my house, yes. Correct.

04:28PM 8 Q. But at some point in time, you come to the opinion that

04:28PM 9 the government doesn't believe you're becoming 100 percent

04:28PM 10 truthful in those conversations, right?

04:28PM 11 A. As we moved along, yes, correct.

04:28PM 12 Q. And so you sit down for a second proffer interview with

04:28PM 13 the government, right?

04:28PM 14 A. That's correct.

04:28PM 15 Q. I think you said that in between the first and the second

04:28PM 16 time you sat down for a proffer interview, there was a

04:28PM 17 polygraph that was administered?

04:28PM 18 A. I don't remember when the poly -- it was in -- in that

04:28PM 19 timeframe, yes.

04:28PM 20 Q. All right. And you sit down and you talk to them again,

04:28PM 21 that second proffer interview, right?

04:28PM 22 A. That's correct.

04:28PM 23 Q. And at some point in time, you form the opinion that,

04:28PM 24 again, the government doesn't believe everything you're

04:28PM 25 telling them?

04:28PM

1 A. That's correct.

04:28PM

2 Q. And so you sit down with them a number of different times

04:28PM

3 until you get to the grand jury, correct?

04:28PM

4 A. Correct. Each time I came forward more with more

04:28PM

5 information.

04:28PM

6 Q. Okay. And, so, you understand that the government's the

04:28PM

7 one that controls your proffer agreements, right?

04:28PM

8 A. Correct.

04:28PM

9 Q. And the government is also the one, the entity that

04:29PM

10 controls your cooperation agreement, right?

04:29PM

11 A. That's correct.

04:29PM

12 Q. So, if the government doesn't believe that you're

04:29PM

13 following through on your proffer obligation or under the

04:29PM

14 cooperation agreement provisions, like, they can take that

04:29PM

15 away from you, right?

04:29PM

16 A. That's correct.

04:29PM

17 Q. And fair to say that -- that from the first time that you

04:29PM

18 met with prosecutors in the first proffer, two later times

04:29PM

19 you met with them, their tone towards you changed a little

04:29PM

20 bit?

04:29PM

21 A. Tone, how? What do you --

04:29PM

22 Q. Did you come to the opinion based on those multiple

04:29PM

23 meetings that later on, you had the opinion that prosecutors

04:29PM

24 viewed the information you were giving them as more credible

04:29PM

25 than the first time or second time?

04:29PM 1 A. As I gave more, yes.

04:29PM 2 Q. Okay. So, as far as your lawyer is concerned, his advice
04:29PM 3 to you not to get into bits and details on it was, you know,
04:29PM 4 just continue to work with them, right?

04:30PM 5 A. We spoke about it, yes.

04:30PM 6 Q. And -- and the reason for that is because you continued
04:30PM 7 to work with them, you know, maybe there will be a benefit
04:30PM 8 for you in the end, right?

04:30PM 9 A. Correct.

04:30PM 10 Q. And as far as the benefit is concerned, that benefit
04:30PM 11 relates to the charges in this case, right?

04:30PM 12 A. That's correct.

04:30PM 13 Q. Your hope is that by coming in here and testifying
04:30PM 14 against Mr. Bongiovanni, and talking about criminal behavior
04:30PM 15 that you may have engaged in, that the government may look
04:30PM 16 favorably upon you when it comes time to sentence you for
04:30PM 17 what happens in your situation, right?

04:30PM 18 A. That's correct.

04:30PM 19 Q. You're not doing this for free, right?

04:30PM 20 A. I'm -- correct. It's an agreement I have with the
04:30PM 21 government.

04:30PM 22 Q. And you're aware of the fact that the charges in this
04:30PM 23 case are pretty significant, right?

04:30PM 24 A. Correct.

04:30PM 25 Q. So you're aware of the fact that the drug conspiracy

counts that you could be facing as a result of your participation with Ron Serio could carry a five-year mandatory minimum sentence, right?

A. Correct.

Q. You're aware of the fact that that particular firearms that were found in your house.

MR. SINGER: So, Ms. Champoux if we could bring up Government Exhibit 200A-19, side by side with 222I.

I'm sorry, 222I. Thanks, Karen.

BY MR. SINGER:

Q. So, 200A point -- sorry, -19. That's a shotgun that was found inside of your house during the search; is that right?

A. Yes. I bought that legally, yes.

Q. But you also had illegal marijuana grow equipment located in your house, right?

A. Correct.

Q. You also had possession of I think it was shake, but it was --

A. Shake.

Q. -- marijuana inside your house, right?

A. Marijuana leaves, shake, yes.

Q. So it was the grow equipment, the shake, and you also have this gun here, correct?

A. Correct.

Q. And you mentioned that this particular picture, 222I,

04:32PM 1 this is a picture down at the farm?

04:32PM 2 A. That's -- yes. That was in Franklinville. We were

04:32PM 3 just -- that's not my weapon. We were target shooting.

04:32PM 4 Q. That's the Suppas' place, right?

04:32PM 5 A. Correct.

04:32PM 6 Q. And we talked about earlier how that was a logistics hub

04:32PM 7 for marijuana activity you were conducting illegally on the

04:32PM 8 state lands?

04:32PM 9 A. Correct.

04:32PM 10 Q. And your lawyer, of course, probably talked to you about

04:32PM 11 the fact that possession of a firearm in connection with a

04:32PM 12 narcotics offense is another federal crime, right?

04:32PM 13 A. Correct.

04:32PM 14 Q. And that's something that could potentially carry a

04:32PM 15 five-year mandatory minimum consecutive sentence, correct?

04:32PM 16 A. Correct.

04:32PM 17 Q. So, you know, based on just the math, you could be

04:32PM 18 looking at a ten-year mandatory minimum sentence for what you

04:32PM 19 did in this conspiracy, right, sir?

04:32PM 20 A. Correct.

04:32PM 21 Q. And you're aware of the fact that beyond the mandatory

04:32PM 22 minimum, it's possible you could spend even more time in

04:32PM 23 jail, right?

04:32PM 24 A. Correct.

04:32PM 25 Q. How old are you again?

04:33PM

1 A. 59.

04:33PM

2 Q. So ten years from now you'll be 69?

04:33PM

3 A. Yes.

04:33PM

4 Q. You have a heart condition, right?

04:33PM

5 A. I do.

04:33PM

6 Q. I'm sure you have a concern, you know, if I go to jail

04:33PM

7 for ten years, am I going to make it out of there alive?

04:33PM

8 A. Correct.

04:33PM

9 Q. That's one of the things that's going through your head

04:33PM

10 today, right?

04:33PM

11 A. It goes through my head every day. I have an aneurysm in

04:33PM

12 my heart valve.

04:33PM

13 Q. There -- so one of the things that's going through your

04:33PM

14 head at the time when you're making a decision of whether to

04:33PM

15 cooperate or not, right?

04:33PM

16 A. I'm sorry, can you repeat that?

04:33PM

17 Q. That was one of the concerns you had when you made your

04:33PM

18 decision of whether to cooperate or not with the government,

04:33PM

19 right?

04:33PM

20 A. It was part of it.

04:33PM

21 Q. Um-hum. Yeah. It's a big part, right? Because you

04:33PM

22 still have daughters, right?

04:33PM

23 A. Correct.

04:33PM

24 Q. You still have family, right?

04:33PM

25 A. Correct.

04:33PM 1 Q. And you love them, right?

04:33PM 2 A. Yes.

04:33PM 3 Q. And you want to see them, right?

04:33PM 4 A. Correct.

04:33PM 5 Q. And if you go off to jail, it's going to affect your

04:33PM 6 relationship with them, right?

04:33PM 7 A. Correct.

04:33PM 8 Q. So spending time in jail also affects you financially,

04:33PM 9 right?

04:33PM 10 A. Correct.

04:34PM 11 Q. Like, you could lose your house, correct?

04:34PM 12 A. Correct.

04:34PM 13 Q. I mean, you could lose your house as part of criminal

04:34PM 14 charges in this case, right?

04:34PM 15 A. I believe so, correct.

04:34PM 16 Q. Yeah. I mean, you have the understanding that because

04:34PM 17 you engaged in grow activity at your house, and they found

04:34PM 18 evidence of that, the government can move to seize your

04:34PM 19 house, right?

04:34PM 20 A. Correct.

04:34PM 21 Q. And, you know, if you eventually walk out of jail after a

04:34PM 22 sentence and you're older, in your late 60s, that's going to

04:34PM 23 be a concern for you financially, correct?

04:34PM 24 A. Correct.

04:34PM 25 Q. So what are you going to do to support yourself, right?

04:34PM 1 A. I go to work, I don't know. I mean, what am I going to
04:34PM 2 do?

04:34PM 3 Q. But it would be a lot more difficult than it is today,
04:34PM 4 right?

04:34PM 5 A. It might be.

04:34PM 6 Q. So you're scared about the outcome that awaits you,
04:34PM 7 correct?

04:34PM 8 A. I'm sorry?

04:34PM 9 Q. You're scared about the outcome that awaits you
04:34PM 10 potentially, correct?

04:34PM 11 A. Yeah. That's a worry, sure.

04:34PM 12 **MR. SINGER:** So, Ms. Champoux, you can bring down
04:34PM 13 those exhibits. Thank you.

04:34PM 14 **BY MR. SINGER:**

04:34PM 15 Q. So, a big thing here is that you're still hiding another
04:34PM 16 fact in this case, right?

04:34PM 17 A. I'm hiding nothing.

04:35PM 18 Q. You're hiding nothing?

04:35PM 19 A. No.

04:35PM 20 Q. Are you hiding the fact that you and Mike Masecchia never
04:35PM 21 made any payments to Joe Bongiovanni?

04:35PM 22 A. That's not true.

04:35PM 23 Q. That's not true?

04:35PM 24 A. That's not true. I'm not hiding that.

04:35PM 25 Q. That's not true, sir?

04:35PM 1 A. That's not true.

04:35PM 2 Q. So there was no scheme to defraud Ron Serio --

04:35PM 3 A. There was no scheme.

04:35PM 4 Q. -- out of his money?

04:35PM 5 A. No, sir.

04:35PM 6 Q. No scheme whatsoever?

04:35PM 7 A. No scheme, sir.

04:35PM 8 Q. I mean, so Mike Masecchia, you mentioned earlier that he

04:35PM 9 was a made member of IOC, right?

04:35PM 10 A. According to him, when I asked the question, yes, sir.

04:35PM 11 Q. And he's somebody who's heavily connected to Italian

04:35PM 12 Organized Crime members, right?

04:35PM 13 A. Correct.

04:35PM 14 Q. By family, correct?

04:35PM 15 A. Correct.

04:35PM 16 Q. To your understanding, correct?

04:35PM 17 A. To my understanding, yes.

04:35PM 18 Q. He's somebody who ran in the same type of debt-collection

04:35PM 19 circles sometimes as Ron Serio, right?

04:35PM 20 A. I believe so, correct.

04:35PM 21 Q. He's somebody that was older than Ron Serio, right?

04:35PM 22 A. He was.

04:35PM 23 Q. And he's somebody that -- that Ron Serio attempted to

04:35PM 24 ingratiate himself with, right?

04:35PM 25 A. Yes. He wanted him around him, yes.

04:36PM 1 Q. Yeah. Like, Ron Serio, you know, didn't just kind of
04:36PM 2 like the -- the power that Mike Masecchia brought to his
04:36PM 3 organization, right?

04:36PM 4 A. Correct. He enjoyed his company, and they became
04:36PM 5 friends, and obviously they were conducting what was going
04:36PM 6 on.

04:36PM 7 Q. Yeah. And he also liked, you know, some of the
04:36PM 8 protection that Mike Masecchia brought along with him, right?

04:36PM 9 A. Yes, Mike had a presence.

04:36PM 10 Q. That tough-guy personality we talked about earlier?

04:36PM 11 A. He had a presence, yes.

04:36PM 12 Q. And Ron Serio, to your understanding, he was somebody who
04:36PM 13 said, hey, maybe one day I can be a made member of Italian
04:36PM 14 Organized Crime?

04:36PM 15 A. I don't have knowledge of that. I don't know if Ron ever
04:36PM 16 said that.

04:36PM 17 Q. Don't know about that?

04:36PM 18 A. I don't know if Ron ever said that.

04:36PM 19 Q. I mean, bottom line is that all those different
04:36PM 20 relationships and who Mike Masecchia was didn't make an
04:36PM 21 attempt to pull off a scheme to defraud Ron Serio very
04:36PM 22 difficult, right?

04:36PM 23 **MR. TRIPI:** Objection.

04:36PM 24 **THE COURT:** Sustained. Sustained. Sustained.

04:36PM 25 **THE WITNESS:** I knew of no --

04:36PM 1 **THE COURT:** Stop. Stop. Stop.

04:36PM 2 Sustained.

04:36PM 3 Next question.

04:36PM 4 **BY MR. SINGER:**

04:36PM 5 Q. So you would agree with me that Mike Masecchia, based on
04:36PM 6 who he was and where he lived, had access to information,
04:36PM 7 right?

04:36PM 8 A. Correct.

04:37PM 9 Q. So, for instance, Mike Masecchia grew up in North Buffalo
04:37PM 10 all his life, right?

04:37PM 11 A. Yes.

04:37PM 12 Q. He knew and was plugged into people who were in and
04:37PM 13 around the neighborhood and community, right?

04:37PM 14 A. Yes.

04:37PM 15 Q. He had friends who grew up in the neighborhood, correct?

04:37PM 16 A. Yes.

04:37PM 17 Q. Some of these friends are the same criminal associates
04:37PM 18 that he had involved in this Serio drug-trafficking
04:37PM 19 organization, correct?

04:37PM 20 A. Correct.

04:37PM 21 Q. And according to your testimony, he was somebody that was
04:37PM 22 involved in the marijuana business since the 1990s?

04:37PM 23 A. Yes. Long time, yes.

04:37PM 24 Q. A long time, right?

04:37PM 25 A. Yes.

04:37PM 1 Q. I mean, he was doing grow operations a long time before
04:37PM 2 you got involved, right?

04:37PM 3 A. Correct.

04:37PM 4 Q. He was doing marijuana sales a long time before you were
04:37PM 5 involved, right?

04:37PM 6 A. Correct.

04:37PM 7 Q. And you talked about how, over time, his part in the
04:37PM 8 organization with Serio became a lot more complex, right?

04:37PM 9 **MR. TRIPI:** Objection. Asked and answered.

04:37PM 10 **THE COURT:** Overruled.

04:37PM 11 **THE WITNESS:** Yes. It had grown. His -- his role
04:38PM 12 had grown, yes.

04:38PM 13 **BY MR. SINGER:**

04:38PM 14 Q. And based on all of that, you know, Mike Masecchia had a
04:38PM 15 lot of connections in the marijuana business over the years,
04:38PM 16 correct?

04:38PM 17 **MR. TRIPI:** Objection, asked and answered two hours
04:38PM 18 ago.

04:38PM 19 **THE WITNESS:** Correct.

04:38PM 20 **THE COURT:** We're starting to get repetitive,
04:38PM 21 Mr. Singer, but I'll allow this one.

04:38PM 22 Overruled.

04:38PM 23 **BY MR. SINGER:**

04:38PM 24 Q. As far as his information -- sorry, as far as his
04:38PM 25 associations within the Hertel Avenue community, like, he was

1 a regular at certain bars on Hertel?

2 **MR. TRIPI:** Objection. Asked and answered.

3 **THE COURT:** Overruled.

4 **THE WITNESS:** Yes. He frequented bars on Hertel.

5 **BY MR. SINGER:**

6 Q. And he was also a regular in downtown bars, correct?

7 A. I believe so, yes.

8 Q. He was somebody who knew bartenders from patronizing
9 those establishments?

10 A. Yes. Yes, sir.

11 Q. We've talked about Anastasia, for instance, right?

12 A. Yes.

13 Q. He knew Tony Anastasia, right?

14 A. Yes.

15 Q. Because he was somebody who also went to Gables, correct?

16 A. Correct.

17 Q. And he knew some of these bartenders because he grew up
18 with these people, right?

19 A. Correct.

20 Q. Same neighborhood as you guys, right?

21 A. Correct.

22 Q. And Mike Masecchia was also not just familiar with --
23 with drug dealers and bartenders, he was also familiar with
24 some of the junkies in the neighborhood, right?

25 **MR. TRIPI:** Objection, relevance.

04:39PM

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THE COURT: Overruled.

04:39PM

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THE WITNESS: I don't know. I'm sure he did, yes.

04:39PM

3

BY MR. SINGER:

04:39PM

4

Q. He was a seller of marijuana for decades, right?

04:39PM

5

A. I'm -- I'm sure he was aware, yes.

04:39PM

6

Q. So he knew was -- he knew people who were high on drugs,

04:39PM

7

right?

04:39PM

8

A. I'm sure he did, yes.

04:39PM

9

Q. And he knew people through his associations with other

04:39PM

10

dealers who tended to buy drugs, correct?

04:39PM

11

A. Correct.

04:39PM

12

Q. So, Mike Masecchia, he's also somebody who is familiar to

04:39PM

13

some degree with law enforcement tactics, right?

04:39PM

14

A. Vaguely, yes.

04:39PM

15

Q. Well, you testified earlier that Mike Masecchia's father

04:39PM

16

was somebody that you suspected had a reputation of an

04:39PM

17

organized crime figure; is that right?

04:39PM

18

A. He knew -- he was friends with them, yes.

04:39PM

19

Q. And you also testified that -- that his wife had a

04:39PM

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connection to somebody who was an organized crime figure,

04:39PM

21

correct?

04:39PM

22

A. Correct.

04:39PM

23

Q. And, so, you know, he talked to you about how family and

04:40PM

24

friends of his over time were investigated by the federal

04:40PM

25

government, correct?

04:40PM 1 A. No. He never talked about that.

04:40PM 2 Q. He never talked about any investigations that were
04:40PM 3 ongoing against him and his family?

04:40PM 4 A. No.

04:40PM 5 Q. Did he talk to you about certain surveillance that was
04:40PM 6 being done?

04:40PM 7 A. No.

04:40PM 8 Q. Never talked to you about any type of investigation that
04:40PM 9 anyone was under that he knew?

04:40PM 10 A. No, not that I recall. We never had that conversation.

04:40PM 11 Q. As far as the information, you know, we talked about

04:40PM 12 Robert R.K. was one of the people that you allege

04:40PM 13 Mr. Bongiovanni provided information on, correct?

04:40PM 14 A. Yes.

04:40PM 15 Q. But as we talked about earlier, Robert R.K. was someone

04:40PM 16 who was known to Mike Masecchia and to yourself, right?

04:40PM 17 A. I knew of him, I didn't know him. Yes.

04:40PM 18 Q. But you testified at least that Mike Masecchia was -- was
04:40PM 19 familiar with his criminal history, right?

04:40PM 20 A. He was, yes.

04:40PM 21 Q. His abuse history of drugs?

04:40PM 22 A. Right.

04:40PM 23 **MR. TRIPI:** Objection, asked and answered.

04:40PM 24 **THE COURT:** Yeah. We are starting to get repetitive,
04:40PM 25 Mr. Singer.

04:41PM 1 **MR. SINGER:** I got you, Judge. I'll move through
04:41PM 2 this very quickly.

04:41PM 3 **THE COURT:** Okay. Overruled.

04:41PM 4 **BY MR. SINGER:**

04:41PM 5 Q. His history of drug abuse?

04:41PM 6 A. Yes.

04:41PM 7 Q. His arrests that -- that happened?

04:41PM 8 A. That's correct.

04:41PM 9 Q. Correct. And so as far as all those things, Mike
04:41PM 10 Masecchia was also aware of the fact that Robert R.K. was
04:41PM 11 somebody who went over to Ron Serio's house, right?

04:41PM 12 **MR. TRIPI:** Objection as to what Masecchia was aware
04:41PM 13 of.

04:41PM 14 **THE COURT:** Sustained.

04:41PM 15 **BY MR. SINGER:**

04:41PM 16 Q. Anthony Anastasia was somebody that you mentioned too,
04:41PM 17 right?

04:41PM 18 **MR. TRIPI:** Objection, asked and answered.

04:41PM 19 **THE COURT:** Overruled.

04:41PM 20 **THE WITNESS:** Yes.

04:41PM 21 **BY MR. SINGER:**

04:41PM 22 Q. And Mike Masecchia knew Anthony Anastasia, correct?

04:41PM 23 **MR. TRIPI:** Objection, asked and answered.

04:41PM 24 **THE COURT:** Overruled.

04:41PM 25 **THE WITNESS:** He did know him, yes.

04:41PM

1

BY MR. SINGER:

04:41PM

2

Q. And he also knew about his arrest, correct?

04:41PM

3

A. Yes.

04:41PM

4

Q. He also knew about, you know, things that went on as far

04:41PM

5

as drug-dealing activities with Anastasia, correct?

04:41PM

6

A. I believe so, yes.

04:41PM

7

Q. Yeah, because he was part of a close knit member of the

04:41PM

8

Buffalo community that Mike Masecchia was?

04:41PM

9

A. Yes. I believe so, yes.

04:41PM

10

Q. T.S.. T.S. was another person you mentioned, correct?

04:42PM

11

A. I'm sorry. Would you repeat that?

04:42PM

12

Q. T.S. was somebody else you mentioned?

04:42PM

13

A. Yes.

04:42PM

14

Q. And you alleged that Mr. Bongiovanni provided information

04:42PM

15

about him?

04:42PM

16

A. Correct. He was friends with Ron and part of Ron's

04:42PM

17

organization.

04:42PM

18

Q. And Mike Masecchia knew T.S. based on his dealings with

04:42PM

19

Ron Serio, correct?

04:42PM

20

A. Based on his dealings with Ron, yes.

04:42PM

21

Q. Once admitted he had a history with Amherst Police

04:42PM

22

Department, correct?

04:42PM

23

A. I don't know.

04:42PM

24

MR. TRIPI: Objection as to what someone else.

04:42PM

25

THE WITNESS: I don't know about that.

04:42PM 1 THE COURT: Yeah, sustained.

04:42PM 2 BY MR. SINGER:

04:42PM 3 Q. One of the things that Mike --

04:42PM 4 THE COURT: Again, Mr. Singer, you can ask these
04:42PM 5 questions, but you can't ask him what somebody else knew --

04:42PM 6 MR. SINGER: I understand, Judge.

04:42PM 7 THE COURT: -- unless there's a foundation for him
04:42PM 8 knowing what that person knew.

04:42PM 9 MR. SINGER: Understand, Judge.

04:42PM 10 BY MR. SINGER:

04:42PM 11 Q. You did testify, though, that -- that Mike Masecchia
04:42PM 12 believed that T.S. was arrested, right?

04:42PM 13 A. Yes.

04:42PM 14 Q. And that's what prompted the inquiry, correct?

04:42PM 15 A. Correct.

04:42PM 16 Q. So Mike Masecchia was plugged into information regarding
04:42PM 17 T.S.?

04:42PM 18 A. Yes, which he heard from Ron.

04:42PM 19 Q. J.D. was somebody that you mentioned too, right?

04:42PM 20 A. Yes.

04:42PM 21 Q. Mike Masecchia was somebody who worked out at Fitness
04:43PM 22 Factory, right?

04:43PM 23 A. No.

04:43PM 24 Q. He wasn't?

04:43PM 25 A. No.

04:43PM 1 Q. But he was someone who lived in the same general
04:43PM 2 community as J.D., correct?

04:43PM 3 A. Yes. But they didn't -- I don't believe they knew each
04:43PM 4 other.

04:43PM 5 Q. You don't know that they knew each other?

04:43PM 6 A. I don't know, we never saw them --

04:43PM 7 Q. But you don't know what Mike Masecchia knows about J.D.?

04:43PM 8 A. I don't know. I've never seen him work out or socialize
04:43PM 9 or talk.

04:43PM 10 Q. You knew at least, though, that J.D. did have a history
04:43PM 11 of drug abuse in his --

04:43PM 12 A. I did.

04:43PM 13 **MR. TRIPI:** Objection.

04:43PM 14 **THE COURT:** Sustained.

04:43PM 15 **BY MR. SINGER:**

04:43PM 16 Q. Mario Vacanti was somebody who you mentioned, too?

04:43PM 17 A. Right.

04:43PM 18 Q. And Mario Vacanti was somebody that Mike Masecchia
04:43PM 19 knew -- knew as well, correct?

04:43PM 20 A. Yes.

04:43PM 21 Q. And Mike Masecchia was somebody who dealt with Mario
04:43PM 22 Vacanti in the marijuana business?

04:43PM 23 **MR. TRIPI:** Objection, 403. Waste of time, Judge.

04:43PM 24 **THE COURT:** Well, I mean, I -- I --

04:43PM 25 **MR. SINGER:** I ask these questions about what

04:43PM 1 Mr. Bongiovanni communicated. I didn't always get into what
04:43PM 2 Mike Masecchia knew, Judge, and that's why I'm just running
04:43PM 3 through these things.

04:44PM 4 **THE COURT:** Well, if he has a foundation for knowing
04:44PM 5 it. So you need to -- so, the question -- question is,
04:44PM 6 whether Mike Masecchia dealt with Vacanti?

04:44PM 7 **MR. SINGER:** Correct.

04:44PM 8 **THE COURT:** I'll allow him to answer that.
04:44PM 9 Overruled.

04:44PM 10 **THE WITNESS:** I believe Ron dealt with Mario Vacanti.
04:44PM 11 So if Ron dealt with him, I'm -- I'm -- I'm assuming Mike knew
04:44PM 12 as well.

04:44PM 13 **BY MR. SINGER:**

04:44PM 14 Q. Okay. And we talked also about information that was
04:44PM 15 communicated allegedly from Mr. Bongiovanni to you, right?

04:44PM 16 A. Correct.

04:44PM 17 Q. Well, we talked about a number of things, too, that you
04:44PM 18 never learned anything about, right?

04:44PM 19 A. Correct.

04:44PM 20 Q. All those DEA investigations into various people involved
04:44PM 21 in this organization, right?

04:44PM 22 A. Correct.

04:44PM 23 Q. All these phone logs that potentially names of people
04:44PM 24 connected to the organization, right?

04:44PM 25 A. Correct.

04:44PM 1 Q. The utility poles on addresses associated with the
04:45PM 2 entity, correct?

04:45PM 3 A. Correct.

04:45PM 4 Q. The surveillance, correct?

04:45PM 5 A. Correct.

04:45PM 6 Q. And, you know, I think a fair statement, if Ron Serio
04:45PM 7 found out about all these things he didn't know about today,
04:45PM 8 he would be pretty pissed off, right? He's not getting his
04:45PM 9 money --

04:45PM 10 **MR. TRIPI:** Objection as to what Ron Serio would
04:45PM 11 think.

04:45PM 12 **THE COURT:** Overruled.

04:45PM 13 **THE WITNESS:** Ron only asked about what Ron asked
04:45PM 14 about. Whatever he asked, he was given an answer to.

04:45PM 15 **BY MR. SINGER:**

04:45PM 16 Q. Mr. Selva, he's paying, allegedly, Mr. Bongiovanni \$4,000
04:45PM 17 a month for information, right?

04:45PM 18 A. Correct.

04:45PM 19 Q. And so these -- the information at meetings that you guys
04:45PM 20 are having at the bars where you guys whisper in your ear
04:45PM 21 about what's going on, right?

04:45PM 22 A. That's.

04:45PM 23 Q. I mean, is -- is what you're saying that what he got for
04:45PM 24 that \$4,000 was you and Mr. Bongiovanni meeting up and you
04:45PM 25 and Mr. Bongiovanni telling you in your ear, hey, there's

04:45PM 1 nothing going on. All clear.

04:45PM 2 Is that what's going on every month?

04:45PM 3 A. I asked a question. Whatever answer I got, I was given,
04:45PM 4 relayed it back, yes.

04:45PM 5 Q. And that's all you got?

04:45PM 6 A. That's it.

04:45PM 7 Q. That's what you communicated back to -- to Mike
04:45PM 8 Masecchia?

04:45PM 9 A. That's all I had.

04:46PM 10 Q. And that's what got communicated back to Ron Serio?

04:46PM 11 A. Yes.

04:46PM 12 Q. So, you know, we talked a little bit about, you know, Ron
04:46PM 13 Serio being an opioid addict, right?

04:46PM 14 A. Correct.

04:46PM 15 Q. You described him as a mess to the government, right?

04:46PM 16 A. After -- yes, during his arrest, yes. He was -- he had
04:46PM 17 an addiction problem, yes.

04:46PM 18 Q. But your understanding was that he was taking upwards of
04:46PM 19 40 oxy pills a day at some point?

04:46PM 20 A. I don't know what he was taking, but I just heard he was
04:46PM 21 in bad shape.

04:46PM 22 Q. But he was in bad shape, right?

04:46PM 23 A. Yeah.

04:46PM 24 Q. And it's easy to take advantage of a person who is in bad
04:46PM 25 shape, right?

25 **THE COURT:** Yeah. Mr. Singer, we were getting

1 awfully repetitive here. Let's get to the point.

2 Sustained.

3 **BY MR. SINGER:**

4 Q. So, again, when we talk about all these things, Ron Serio
5 is in that state when this is happening, right?

6 A. He was. He was in an addictive state, but he was a very
7 intelligent guy. He always knew what was going on. He was
8 very aware -- whenever I saw him and what I heard from Mike
9 was that Joe was aware of his surroundings.

10 Q. So that's easy to take money from somebody who's in that
11 state, right?

12 **MR. TRIPI:** Objection. Asked and answered, Your
13 Honor. Repetitive.

14 **THE WITNESS:** No.

15 **THE COURT:** Overruled.

16 **THE WITNESS:** No, we never took money from him.

17 **BY MR. SINGER:**

18 Q. Well, you took money from Ron Serio, right?

19 A. Right, but he never took advantage -- I think you're
20 getting at he took advantage of Ron Serio. No, he didn't.

21 Q. Let's get into that. So -- so you admit that you stole
22 money from Ron Serio.

23 A. I didn't admit that. I did not steal money from Ron
24 Serio. I was never given money from Ron Serio.

25 Q. Do you remember, sir, storing marijuana in your house?

04:48PM 1 A. Yes.

04:48PM 2 Q. And you remember it was Ron Serio's marijuana, right?

04:48PM 3 A. Correct.

04:48PM 4 Q. And you remember that at one point in time, \$27,000 worth
04:48PM 5 of marijuana goes missing that was Ron Serio's from your
04:48PM 6 house, right?

04:48PM 7 A. It was not, no. That's -- that's -- it was never missing
04:48PM 8 from my house. I did not steal that.

04:48PM 9 Q. So you don't remember stealing money from Ron Serio?

04:48PM 10 A. I never stole money from Ron Serio, I never stole
04:48PM 11 marijuana from Ron Serio.

04:48PM 12 Q. You never stole money or weed from Ron Serio?

04:48PM 13 A. Never.

04:48PM 14 Q. Never?

04:48PM 15 A. Never.

04:48PM 16 Q. Okay. And so as far as everything that's going on here,
04:48PM 17 all those things that we just -- just -- just went through,
04:48PM 18 the information that Mike Masecchia knew, that would provide
04:48PM 19 a conduit for information regarding people in the community,
04:48PM 20 correct?

04:48PM 21 A. Correct.

04:48PM 22 Q. Mr. Masecchia and his relationship to Ron Serio, and how
04:48PM 23 Ron Serio revered him, that's something that ingratiated
04:49PM 24 Mr. Serio to Mr. Masecchia, correct?

04:49PM 25 A. Correct.

04:49PM 1 Q. Ron Serio --

04:49PM 2 A. He, like we said, Mike had a fearful reputation.

04:49PM 3 Q. And Ron Serio's drug activity is something that made him
04:49PM 4 vulnerable, correct?

04:49PM 5 **MR. TRIPI:** Objection. Asked and answered.

04:49PM 6 **THE COURT:** Sustained.

04:49PM 7 **BY MR. SINGER:**

04:49PM 8 Q. So, you also mentioned on direct that Ron Serio was
04:49PM 9 somebody who was cautious around Mike Masecchia, correct?

04:49PM 10 **MR. TRIPI:** Objection. Misstates facts not in
04:49PM 11 evidence.

04:49PM 12 **THE COURT:** Hold on.

04:49PM 13 Overruled.

04:49PM 14 **THE WITNESS:** I don't recall saying "cautious."

04:49PM 15 **BY MR. SINGER:**

04:49PM 16 Q. But he was someone, Ron Serio, who revered Mike Masecchia
04:49PM 17 based on his tough-guy reputation, right?

04:49PM 18 A. Yes, he respected him. They were friends. And his
04:49PM 19 reputation was a fearful one.

04:49PM 20 Q. And, so, that caused you not to always question Mike
04:49PM 21 Masecchia, right?

04:49PM 22 A. No. If I had a question, I would be direct with him and
04:49PM 23 ask him a question.

04:49PM 24 Q. But, you also had some concerns sometimes about
04:50PM 25 challenging Mike Masecchia, right?

04:50PM 1 A. No. If I -- I had the relationship with him, if I had
04:50PM 2 something to talk to him about, it was direct, I would be
04:50PM 3 direct and ask him a question. Could he hurt me? Sure, but
04:50PM 4 I would be direct with him.

04:50PM 5 Q. That was something in the back of your mind, right?

04:50PM 6 A. I guess. Yes.

04:50PM 7 Q. And, so, your fear of Mike Masecchia --

04:50PM 8 A. I wouldn't call it fear.

04:50PM 9 Q. Okay. But, you know, that could be a reason why you're
04:50PM 10 not testifying truthful today, correct?

04:50PM 11 A. I am testifying truthful today.

04:50PM 12 Q. But your fear of Mike Masecchia could be a reason for you
04:50PM 13 to fabricate your testimony, right?

04:50PM 14 A. No.

04:50PM 15 Q. You wouldn't have any concerns about him potentially
04:50PM 16 going after you?

04:50PM 17 A. No.

04:50PM 18 Q. You wouldn't have any concerns about Italian Organized
04:50PM 19 Crime friends of his going after you?

04:50PM 20 A. No.

04:50PM 21 Q. You wouldn't have any concerns like that whatsoever?

04:50PM 22 A. I have no concerns.

04:50PM 23 Q. There would also be financial motives for --

04:50PM 24 **MR. TRIPI:** Objection.

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BY MR. SINGER:

Q. -- you to potentially testify, right?

A. There's no financial motives.

THE COURT: Stop, stop.

MR. TRIPI: He's asked and answered about financial motives several times. We're just running out the clock here, Judge. I don't appreciate it.

THE COURT: Well, we're not -- no one is running out any clock, so, the objection is overruled.

Go ahead.

THE WITNESS: I'm not fearful. Could you repeat the question?

BY MR. SINGER:

Q. You're not fearful at all, sir?

A. No.

Q. The basic fact is, Mr. Selva, is that this was going on, as far as duping Ron Serio, you don't really have an incentive to come clean on that, correct?

A. Sir, I did not dupe Ron Serio.

Q. But you don't have an incentive to come clean on that right now because if you did, that would do away with your entire cooperation agreement?

A. I didn't. So that's the answer to the question, I did not.

Q. Because moving forward, if you said something like that,

04:51PM 1 do away with the entire cooperation agreement, right?

04:51PM 2 A. Yes, but I didn't.

04:51PM 3 Q. And it would potentially take away you from your family,
04:51PM 4 correct?

04:51PM 5 A. Correct.

04:51PM 6 Q. It would put you in jail, correct?

04:51PM 7 A. Correct.

04:51PM 8 Q. It would make, potentially, that you never see the light
04:51PM 9 of day out of jail, correct?

04:51PM 10 A. I'm -- I'm losing it.

04:51PM 11 Yes. If that were the case, yes.

04:51PM 12 Q. And you've duped friends of yours before, correct?

04:52PM 13 A. I have not.

04:52PM 14 Q. You have not?

04:52PM 15 A. No.

04:52PM 16 **MR. SINGER:** Ms. Champoux, can you bring up
04:52PM 17 Government Exhibit 215, please.

04:52PM 18 **MR. TRIPI:** Is this in evidence?

04:52PM 19 **MR. SINGER:** This is in evidence.

04:52PM 20 **BY MR. SINGER:**

04:52PM 21 Q. Do you remember this document, Mr. Selva?

04:52PM 22 A. Yes.

04:52PM 23 Q. You saw it right at the beginning of your testimony?

04:52PM 24 A. Yes.

04:52PM 25 **MR. SINGER:** Ms. Champoux, can you blow up block 43,

1 please?

2 **BY MR. SINGER:**

3 Q. This is your application to the Sheriff's Office; is that
4 right, Mr. Selva?

5 A. Correct.

6 Q. And you listed three different people in your life as
7 references; is that right?

8 A. Correct.

9 Q. One of them was Joseph Bongiovanni, correct?

10 A. Correct.

11 Q. Another one was Mark Grisanti?

12 A. Correct.

13 Q. Mark Grisanti, he's a judge, New York State?

14 A. Correct.

15 Q. You've known him for 42 years?

16 A. Long time, yes.

17 Q. Thomas Phillips was another person that you put down on
18 the application, right?

19 A. Correct.

20 Q. He, at that time, was chief of police of the Kenmore
21 Police Department?

22 A. I believe he still is if I'm not mistaken, but, yes.

23 Q. He's someone that you had known for at that point
24 15 years?

25 A. Correct.

04:53PM 1 Q. And before you submitted this application. You didn't
04:53PM 2 tell Judge Grisanti about any of the marijuana activity you
04:53PM 3 engaged in over a decade, correct?

04:53PM 4 A. No.

04:53PM 5 Q. Before you submitted this, you didn't tell Thomas
04:53PM 6 Phillips about any of the marijuana activity you engaged in,
04:53PM 7 correct?

04:53PM 8 A. No.

04:53PM 9 Q. And they're listed as references on your application,
04:53PM 10 right?

04:53PM 11 A. Correct.

04:53PM 12 Q. So you duped them, right?

04:53PM 13 A. I didn't come forward and tell them I was involved in
04:53PM 14 marijuana, no.

04:53PM 15 **MR. SINGER:** Ms. Champoux, if you could unexpand out
04:53PM 16 of that, please.

04:53PM 17 **BY MR. SINGER:**

04:53PM 18 Q. And you also misstated facts to the police before,
04:53PM 19 correct?

04:53PM 20 A. As far as what?

04:53PM 21 Q. Well, let's go take a look at question number 42.

04:53PM 22 Do you see that question there, sir, on the application?

04:54PM 23 A. Yes.

04:54PM 24 Q. So you marked no to that question, right, sir?

04:54PM 25 A. Yes.

Q. And you agree with me that engaging in a drug-trafficking organization for ten years is something that would be a disqualifying mark for someone pursuing a sheriff's office career, correct?

A. It would be, correct.

Q. So you lied in your application right there, sir, right?

A. I did not come forward with that, no.

Q. Because that's what do you to protect yourself sometimes, lying, right?

A. For that job. Yes. And I was wrong.

MR. SINGER: I have no further questions, Judge.

MR. TRIPI: Judge, I'm going to ask if the jury if they'll stay 20 minutes so I can finish my redirect so we don't have to bring back Mr. Selva back on Tuesday?

THE COURT: Yeah, I agree. I think that's fair. And I see the jurors nodding their heads so I think --

MR. TRIPI: Thank you to the jury.

REDIRECT EXAMINATION BY MR. TRIPI:

Q. Mr. Masecchia -- you mentioned in your testimony that Mr. Masecchia said that he had to kick up to someone above him; do you remember that testimony?

A. I do.

Q. Do you agree it would be pretty dumb for Mr. Masecchia to

04:54PM 1 ruin the lucrative business he had with Ron Serio for pennies
04:55PM 2 on the dollar to steal from Ron Serio?

04:55PM 3 A. Yes.

04:55PM 4 Q. Was Mr. Masecchia making a lot more money than the bribe
04:55PM 5 payments to Mr. Bongiovanni?

04:55PM 6 A. Yes.

04:55PM 7 Q. Was Mr. Masecchia's access to law enforcement sensitive
04:55PM 8 information and informants this defendant?

04:55PM 9 A. Yes.

04:55PM 10 Q. Through you?

04:55PM 11 A. Yes.

04:55PM 12 Q. When -- the defendant and Mr. Masecchia are both adult
04:55PM 13 males, right?

04:55PM 14 A. Yes.

04:55PM 15 Q. When they meet in secret to exchange cash, can they talk
04:55PM 16 to one another?

04:55PM 17 A. Absolutely, yes.

04:55PM 18 Q. So do you think there's some things that maybe the
04:55PM 19 defendant told Mr. Masecchia that you weren't aware of?

04:55PM 20 **MR. SINGER:** Object to speculation, lack of personal
04:55PM 21 knowledge.

04:55PM 22 **MR. TRIPI:** That's fair. He crossed on it.

04:55PM 23 **THE COURT:** Overruled.

04:55PM 24 **THE WITNESS:** Yes.
25

25 | Q. In fact, I mean, you sat for a lot of interviews; is that

04:57PM

1 right?

04:57PM

2 A. Yes, sir.

04:57PM

3 Q. Would it be fair to say that the questions that

04:57PM

4 prosecutors were asking you became more specific over time?

04:57PM

5 A. They did.

04:57PM

6 Q. Would it be fair to say, did you have a lot of time to

04:57PM

7 think about information between 2019 and now?

04:57PM

8 A. Yes.

04:57PM

9 Q. Sometimes do additional -- does additional information

04:57PM

10 come to mind?

04:57PM

11 A. That's human nature, yes.

04:57PM

12 Q. Do you remember early on there was another prosecutor

04:57PM

13 involved in your case, Mr. Cullinane?

04:57PM

14 A. I do, yes.

04:58PM

15 Q. Did he ever tell you anything to say?

04:58PM

16 A. Never.

04:58PM

17 Q. Did he ever tell you anything other than tell the truth?

04:58PM

18 A. Correct.

04:58PM

19 Q. Did I ever tell you anything to say?

04:58PM

20 A. No.

04:58PM

21 Q. Did I ever tell you anything other than tell the truth?

04:58PM

22 A. Yes.

04:58PM

23 Q. How about Mr. Cooper?

04:58PM

24 A. Same thing.

04:58PM

25 Q. How about Ms. Chalbeck when she was here?

04:58PM 1 A. Same thing.

04:58PM 2 Q. How about Special Agent Burns?

04:58PM 3 A. Same thing.

04:58PM 4 Q. How about Special Agent Halliday?

04:58PM 5 A. The same thing.

04:58PM 6 Q. When you were giving more information and you were being

04:58PM 7 asked more questions, is that because you actually were

04:58PM 8 withholding information?

04:58PM 9 A. Yes, I was thinking about it, and it was coming to mind

04:58PM 10 and becoming more truthful.

04:58PM 11 Q. Was Mike Masecchia and Ron, were they close friends?

04:58PM 12 A. They were.

04:58PM 13 Q. Were they business partners?

04:58PM 14 A. They were.

04:58PM 15 Q. Was Masecchia close friends, maybe not as close as you,

04:58PM 16 but also close friends with the defendant?

04:58PM 17 A. Yes. Like I said before --

04:58PM 18 Q. There was no question about that?

04:58PM 19 A. There's no question, we all grew up.

04:58PM 20 Q. Did the -- did -- did Masecchia ever try to intimidate

04:59PM 21 you?

04:59PM 22 A. No.

04:59PM 23 Q. Did he ever try to intimidate Ron Serio?

04:59PM 24 A. No.

04:59PM 25 Q. Did he ever try to intimidate the defendant?

04:59PM

1 A. No.

04:59PM

2 Q. So those questions, Mr. Serio -- Mr. Singer was asking

04:59PM

3 you about had zero applicability to this case, right?

04:59PM

4 A. Correct.

04:59PM

5 Q. When Wayne Anderson walked into Bongiovanni's stag party

04:59PM

6 at Iron Works, did the defendant say, hey, Lou, get Wayne out

04:59PM

7 of here, I have an open file on him?

04:59PM

8 A. Not at all. No.

04:59PM

9 Q. Did he tell you, hey, get Wayne Anderson out of here, I'm

04:59PM

10 investigating him?

04:59PM

11 A. Not at all. He said hello.

04:59PM

12 Q. And did Wayne stay and have drinks?

04:59PM

13 A. He did.

04:59PM

14 Q. Did he buy a ticket?

04:59PM

15 A. He did.

04:59PM

16 Q. Was he hanging out?

04:59PM

17 A. He was.

04:59PM

18 Q. With his friends?

04:59PM

19 A. With his friends.

04:59PM

20 Q. The Suppas actually lived in the same house as this

05:00PM

21 defendant?

05:00PM

22 A. On Colvin Avenue, yeah. For a short time, yes. They

05:00PM

23 were renting or --

05:00PM

24 Q. So they played with each other since childhood?

05:00PM

25 A. Yes.

05:00PM 1 Q. Would you call that a long-standing relationship?

05:00PM 2 A. Absolutely.

05:00PM 3 Q. Did the defendant and Mr. Masecchia actually drive to

05:00PM 4 college together at U.B.?

05:00PM 5 A. They did.

05:00PM 6 Q. Did you know that because you spoke to each one of them?

05:00PM 7 A. Yes.

05:00PM 8 Q. Did Mr. Masecchia, was he a silent partner in a bar

05:00PM 9 called the Locker Room?

05:00PM 10 A. He was.

05:00PM 11 Q. Did you and the defendant go there and drink?

05:00PM 12 A. We did.

05:00PM 13 Q. Did you hang out with Mike Masecchia there?

05:00PM 14 A. It was the whole crew, yes. Everybody from our

05:00PM 15 neighborhood.

05:00PM 16 Q. Did he also partially own a bar in Niagara Falls called

05:00PM 17 The Pleasure Dome?

05:00PM 18 A. He did.

05:00PM 19 Q. Did you go there with the defendant?

05:01PM 20 A. On occasion, yes.

05:01PM 21 Q. Is that in addition to the Gables bar that you would see

05:01PM 22 Masecchia at?

05:01PM 23 A. Yes.

05:01PM 24 Q. Is that in addition to M.T. Pockets?

05:01PM 25 A. Yes.

1 Q. Did the defendant go to those bars, too?

2 A. Yes.

3 Q. And those are on Hertel, right in the neighborhood,
4 right?

5 A. They're neighborhood bars, yes.

6 Q. Now, Mr. Singer was asking you questions, and he was
7 saying that Mike Masecchia asked you to get involved. That's
8 not how it was, was it?

9 A. I asked Mike Masecchia.

10 Q. You asked to become a part of it, correct?

11 A. Correct, I reached out to him.

12 Q. And did Mike Masecchia want to make sure Ron was
13 protected?

14 A. Yes. Ron was top of the food chain.

15 Q. And what was Ron's nickname?

16 A. Greenie.

17 Q. Is that because he was good at making money?

18 A. Yeah. He had the money, Greenie.

19 Q. Independent of the photo that you saw and your -- your
20 opinion that it was a Rolex in the defendant's house, do you
21 believe you've seen him wear a Rolex over the years?

22 A. Yes.

23 Q. When you talked about the defendant's financial pressures
24 and money he's paying to his ex-wife and financial
25 obligations he's taking on with respect to his current wife,

05:02PM 1 are you basing your testimony on the things the defendant
05:02PM 2 said to you?
05:02PM 3 A. Yes.
05:02PM 4 Q. You didn't review his financial statements, right?
05:02PM 5 A. No.
05:02PM 6 Q. But you know what he said to you?
05:02PM 7 A. I know what he said, yes.
05:02PM 8 Q. Are you being truthful with them?
05:02PM 9 A. Yes.
05:02PM 10 Q. When the defendant was in Cabo San Lucas in Mexico with
05:02PM 11 you and Tom Doctor and Tom Napoli using cocaine, do you think
05:02PM 12 there was any threat of the DEA coming and drug testing him
05:02PM 13 in Mexico?
05:02PM 14 A. No.
05:02PM 15 Q. Did he ever actually tell you he was actually drug tested
05:03PM 16 by the DEA?
05:03PM 17 A. No.
05:03PM 18 Q. But he was concerned about it, right?
05:03PM 19 A. Yes.
05:03PM 20 Q. But that's a risk much smaller than taking bribes and
05:03PM 21 protecting a drug organization, wouldn't you say?
05:03PM 22 A. Yes.
05:03PM 23 Q. By the time you were in grand jury, were you more
05:03PM 24 forthcoming?
05:03PM 25 A. I was, yes.

05:03PM 1 Q. And the meetings that followed that, did you think of
05:03PM 2 more information?

05:03PM 3 A. Yes.

05:03PM 4 Q. Like Mr. Singer was asking you questions, and he asked
05:03PM 5 the question, and you said actually the defendant told you
05:03PM 6 R.K. was his informant, right?

05:03PM 7 A. Correct.

05:03PM 8 Q. So in grand jury, when you -- when you indicated the
05:03PM 9 defendant told there was nothing going on with R.K., did that
05:03PM 10 mean R.K. was not infiltrating the organization?

05:04PM 11 A. No, he was an informant.

05:04PM 12 Q. But R.K. wasn't doing anything to harm you?

05:04PM 13 A. He was doing nothing to harm me at that time, correct.
05:04PM 14 Not harm me, harm the organization.

05:04PM 15 Q. And R.K. was whose informant?

05:04PM 16 A. The defendant's.

05:04PM 17 Q. Do you think that meant the defendant controlled R.K.?

05:04PM 18 A. Yes.

05:04PM 19 Q. Was that a comforting feeling?

05:04PM 20 A. It was.

05:04PM 21 Q. Have you had a number of conversations with Mr. Serio and
05:04PM 22 Masecchia, more so with Masecchia, but also Serio over time,
05:04PM 23 about the parameters of this defendant's protection of the
05:04PM 24 organization?

05:04PM 25 A. Yes.

05:04PM 1 Q. Did everything you talked about, whether it was '13, '14,
05:04PM 2 '12, did everything you talked about happen between 2008 and
05:04PM 3 2017?
05:04PM 4 A. It did.
05:04PM 5 Q. So everything you told this jury happened within that
05:04PM 6 window of time?
05:05PM 7 A. Within that timeframe. Yes.
05:05PM 8 Q. Are you making any of it up?
05:05PM 9 A. No.
05:05PM 10 Q. Are you framing your best friend to get out of trouble?
05:05PM 11 A. No.
05:05PM 12 Q. When the defendant told you about meeting in public
05:05PM 13 places and not talking on the phone, is that the protocol you
05:05PM 14 both followed?
05:05PM 15 A. Yes.
05:05PM 16 Q. Do you believe that locations, private locations, could
05:05PM 17 potentially be bugged?
05:05PM 18 A. Potentially, if they're made aware of.
05:05PM 19 Q. So the places you spoke were where, Delaware Park?
05:05PM 20 A. Delaware Park.
05:05PM 21 Q. Bike path?
05:05PM 22 A. Yes.
05:05PM 23 Q. Bars?
05:05PM 24 A. Yes.
05:05PM 25 Q. The defendant's house?

05:05PM

1 A. Yes.

05:05PM

2 Q. Do you think the defendant would have some insight as to

05:05PM

3 wiretaps and bugs?

05:05PM

4 A. Yes.

05:05PM

5 Q. Did you think his house was a safe place?

05:05PM

6 A. Yes.

05:05PM

7 Q. When you were passing lists -- let's clear that up. When

05:06PM

8 you were passing lists on pieces of paper with names and

05:06PM

9 phone numbers from Ron Serio, were those the names and phone

05:06PM

10 numbers he wanted to make sure were not tapped?

05:06PM

11 A. It was what he was given, yes.

05:06PM

12 Q. That's separate and distinct from the people he wanted to

05:06PM

13 see if they were informants; is that right?

05:06PM

14 A. Correct.

05:06PM

15 Q. So Chris Baker, for example, that's a phone number Ron

05:06PM

16 Serio wanted to see if it was on a wiretap, right?

05:06PM

17 A. Correct.

05:06PM

18 Q. Robert R.K., T.S., those were people he wanted to see if

05:06PM

19 they were informants?

05:06PM

20 A. Those were informants.

05:06PM

21 Q. Okay. Was Tom Serio also friendly with Masecchia, tight

05:06PM

22 with Masecchia?

05:06PM

23 A. He was friendly with him, yes.

05:06PM

24 Q. Did Butchie Bifocals actually work at Mike Masecchia's

05:06PM

25 debt collection agency?

05:06PM 1 A. I'm not sure. I don't know that.

05:06PM 2 Q. Okay. Anything you're aware of that would prevent

05:06PM 3 Masecchia and Tom Serio from talking directly?

05:07PM 4 A. No.

05:07PM 5 Q. Who was closer to Anthony Gerace, you or Peter Gerace?

05:07PM 6 A. Peter Gerace.

05:07PM 7 Q. Peter Gerace friends with the defendant?

05:07PM 8 A. Yes.

05:07PM 9 Q. And who was it that asked the defendant to help Anthony

05:07PM 10 Gerace? Was that you or was that Peter Gerace, remind the

05:07PM 11 jury.

05:07PM 12 A. It was Peter Gerace.

05:07PM 13 Q. That's what the defendant told you?

05:07PM 14 A. Yes.

05:07PM 15 Q. Did the defendant ever explain chapter and verse exactly

05:07PM 16 how he was protecting the organization?

05:07PM 17 A. No.

05:07PM 18 Q. Did he, you heard of DARTS the first time out of

05:07PM 19 Mr. Singer's mouth; is that right?

05:07PM 20 A. Yes.

05:07PM 21 Q. In terms of the drug organization you were a part of,

05:07PM 22 would someone who was formally an informant be a threat to

05:07PM 23 the organization?

05:07PM 24 A. Yes.

05:07PM 25 Q. Just like if someone's currently an informant, right?

05:07PM 1 A. Correct.

05:07PM 2 Q. Could a former informant become a current informant?

05:08PM 3 A. To my knowledge, yes.

05:08PM 4 Q. Does that rat or snitch label stick with people?

05:08PM 5 A. Yes.

05:08PM 6 Q. Is that something you struggled with?

05:08PM 7 A. Yes.

05:08PM 8 Q. Ultimately, do you feel like you're doing the right thing
05:08PM 9 sitting here?

05:08PM 10 A. Yes.

05:08PM 11 Q. I notice the word "junkie" was used to describe Robert
05:08PM 12 R.K., and then you used the term "drug user."

05:08PM 13 Did you think the word "junkie" was a little offensive?

05:08PM 14 **MR. SINGER:** Objection.

05:08PM 15 **THE WITNESS:** I --

05:08PM 16 **THE COURT:** Stop. Yeah. Sustained. Sustained.
05:08PM 17 Next question.

05:08PM 18 **BY MR. TRIPI:**

05:08PM 19 Q. When the defendant was explaining to you how surveillance
05:08PM 20 worked, did he tell you -- remind the jury how he told you
05:09PM 21 they use different teams?

05:09PM 22 A. He said when somebody was under surveillance, different
05:09PM 23 teams were involved. When they were following somebody, it
05:09PM 24 wouldn't just be one car, it would be different teams.

05:09PM 25 Q. Is that something that you believe is specific?

05:09PM

1 A. Yes.

05:09PM

2 Q. Is that something you think everybody knows?

05:09PM

3 A. No.

05:09PM

4 Q. Were you -- you described Ron and Mike as partners in

05:09PM

5 this business?

05:09PM

6 A. Yes.

05:09PM

7 Q. When you were talking about Ron Serio's drug addiction,

05:09PM

8 that was closer in time to his arrest, right?

05:09PM

9 A. Correct.

05:09PM

10 Q. Okay. The whole time, do you believe Ron was a smart

05:09PM

11 guy?

05:09PM

12 A. A very smart guy.

05:09PM

13 Q. Were you -- now, in terms of -- in terms of like your

05:09PM

14 involvement here, were you trying to be Ron Serio? Were you

05:09PM

15 trying to live in a mansion and be the biggest drug dealer in

05:09PM

16 Buffalo?

05:09PM

17 A. No.

05:09PM

18 Q. Were you trying to be Mike Masecchia and be a made guy?

05:10PM

19 A. No.

05:10PM

20 Q. Were you trying to be Mike Masecchia and buy property in

05:10PM

21 Florida?

05:10PM

22 A. No.

05:10PM

23 Q. Were you just trying to keep your head above water?

05:10PM

24 A. Yes.

05:10PM

25 Q. And you committed crimes to do that, right?

05:10PM 1 A. I did.

05:10PM 2 Q. You've been honest with this jury about the crimes you've
05:10PM 3 committed?

05:10PM 4 A. I have.

05:10PM 5 Q. Are you being honest with this jury about the crimes this
05:10PM 6 defendant committed?

05:10PM 7 A. I have.

05:10PM 8 Q. Are you ashamed of your behavior?

05:10PM 9 A. I am.

05:10PM 10 Q. When they came into your house and found shake and
05:10PM 11 marijuana, were you concerned about the crumbs of marijuana
05:10PM 12 in your house or were you concerned about the fact that this
05:10PM 13 bribery scheme was up?

05:10PM 14 A. It was up.

05:10PM 15 Q. This?

05:10PM 16 A. This. It all crumbled down.

05:10PM 17 Q. The garbage in your house, were you concerned about that?

05:10PM 18 A. No. The bigger picture.

05:10PM 19 Q. Defense has questioned your -- your -- you several
05:11PM 20 different ways here, but going back to October 1st, 2019, you
05:11PM 21 told law enforcement that Bobby R.K., Mario Vacanti and Frank
05:11PM 22 Burkhardt were people that Ron wanted looked into and that you
05:11PM 23 asked the defendant about; is that right?

05:11PM 24 A. Correct.

05:11PM 25 Q. Frank Burkhardt; is that right?

05:11PM 1 A. That's correct.

05:11PM 2 Q. And then you also told law enforcement about T.S.; is
05:11PM 3 that right?

05:11PM 4 A. That's correct.

05:11PM 5 Q. And did the -- did the defendant produce results about
05:11PM 6 that?

05:11PM 7 A. Yes.

05:11PM 8 Q. You were asked about your cooperation agreement. I'm
05:12PM 9 going to show you, Government Exhibit 3540E-1. Take a look
05:12PM 10 at that, look at that signature page.

05:12PM 11 Do you recognize that to be your cooperation agreement?

05:12PM 12 A. It is, yes.

05:12PM 13 Q. It's a fair and accurate copy of the agreement that you
05:12PM 14 signed?

05:12PM 15 A. Yes.

05:12PM 16 **MR. TRIPI:** The government offers the exhibit,
05:12PM 17 Your Honor.

05:12PM 18 **MR. SINGER:** One minute, Judge, sorry.

05:12PM 19 No objections.

05:12PM 20 **THE COURT:** Received without objection.

05:12PM 21 **(GOV Exhibit 3540E-1 was received in evidence.)**

05:12PM 22 **MR. TRIPI:** Can we show paragraph -- pull this up,
05:12PM 23 show paragraph 1, Ms. Champoux.

05:12PM 24 **MR. COOPER:** Can you repeat that?

05:12PM 25 **MR. TRIPI:** 3540E-1.

05:12PM 1 Thank you.

05:13PM 2 **BY MR. TRIPI:**

05:13PM 3 Q. Does paragraph 1 -- just to move it along, I going to
05:13PM 4 read it out loud.

05:13PM 5 Does paragraph 1 read: "The witness will cooperate with
05:13PM 6 the government by providing complete and truthful information
05:13PM 7 regarding the witness's knowledge of any and all criminal
05:13PM 8 activity, whether undertaken by the witness or others, in any
05:13PM 9 way or related to the unlawful possession, manufacture
05:13PM 10 distribution, or importation of controlled substances,
05:13PM 11 firearms, possession, bribery, and public corruption.

05:13PM 12 The witness's cooperation shall also include submitting
05:13PM 13 to interviews by government attorneys and agents as well as
05:13PM 14 testifying truthfully and completely before grand juries and
05:13PM 15 at such pretrial and trial proceedings as the government
05:13PM 16 shall deem necessary including, but not limited to, pretrial
05:13PM 17 hearings, trial, sentencing hearing, and forfeiture
05:13PM 18 proceedings.

05:13PM 19 Is that what it says?

05:13PM 20 A. That's correct.

05:13PM 21 Q. Is that what you agreed to do?

05:13PM 22 A. That's what I agreed to.

05:13PM 23 Q. Anywhere in there does it say you have to incriminate Joe
05:13PM 24 Bongiovanni?

05:13PM 25 A. No.

05:13PM 1 Q. Anywhere in there does it say you need to talk about Mike
05:13PM 2 Masecchia?

05:13PM 3 A. No.

05:13PM 4 Q. Anywhere in there does it say you need to help
05:13PM 5 incriminate Ron Serio?

05:13PM 6 A. No.

05:13PM 7 Q. What's the operative word in there?

05:14PM 8 A. Cooperation.

05:14PM 9 Q. Truth?

05:14PM 10 A. Truth.

05:14PM 11 Q. Let's go to paragraph 2 real quick.

05:14PM 12 As you sit here today, Mr. Selva, let me ask you a
05:14PM 13 question: You don't know what's going to happen to you, do
05:14PM 14 you?

05:14PM 15 A. No, sir.

05:14PM 16 Q. You're taking a leap of faith?

05:14PM 17 A. Yes, sir.

05:14PM 18 Q. And some prosecutor, not me, some U.S. Attorney is going
05:14PM 19 to decide what happens to you?

05:14PM 20 A. That's correct.

05:14PM 21 Q. Paragraph 2 says, in exchange for your cooperation, as
05:14PM 22 set forth in this agreement, you and the government agree
05:14PM 23 that the office of the United States Attorney's office for
05:14PM 24 the Western District of New York will hold in abeyance until
05:14PM 25 the completion of cooperation it's decision to file charges

05:14PM 1 or to offer a plea agreement to the witness for any federal
05:14PM 2 criminal offenses the witness may have committed in the
05:14PM 3 Western District of New York, and any way involving or
05:14PM 4 related to unlawful possession, manufacture, distribution,
05:14PM 5 importation of controlled substances, firearm possession
05:15PM 6 bribery, and public corruption, correct?

05:15PM 7 A. Correct.

05:15PM 8 Q. Does that mean you have no guarantees?

05:15PM 9 A. I have no guarantees.

05:15PM 10 Q. Other than what's written on this paper?

05:15PM 11 A. That's correct.

05:15PM 12 Q. I'm going to skip down to 4.

05:15PM 13 If you provide false information, or you testify falsely,
05:15PM 14 in addition to everything else, could you be charged with
05:15PM 15 perjury?

05:15PM 16 A. Yes.

05:15PM 17 Q. Could you be charged with false statements?

05:15PM 18 A. Yes.

05:15PM 19 Q. Are you telling the truth to this jury?

05:15PM 20 A. Yes.

05:15PM 21 Q. So those are charges that can be brought on top of
05:15PM 22 everything else you've just admitted in front of this judge?

05:15PM 23 A. That's correct.

05:15PM 24 Q. If you lie or make false statements, could we use every
05:15PM 25 word you've said against you?

05:15PM 1 A. Yes.

05:15PM 2 Q. In addition to all the other information we have?

05:15PM 3 A. That's correct.

05:15PM 4 Q. Is that basically what this agreement says?

05:16PM 5 A. That's exactly what it says.

05:16PM 6 Q. So as you sit there on this witness stand, is your
05:16PM 7 incentive to tell the truth or to lie?

05:16PM 8 A. Tell the truth.

05:16PM 9 Q. Even if it hurts you?

05:16PM 10 A. Yes.

05:16PM 11 Q. Even it breaks your heart?

05:16PM 12 A. Yes.

05:16PM 13 **MR. TRIPI:** No further redirect. Thank you, Judge.

05:16PM 14 **THE COURT:** Anything further, Mr. Singer?

05:16PM 15

05:16PM 16 **RECROSS-EXAMINATION BY MR. SINGER:**

05:16PM 17 Q. Mr. Selva, we just went through your cooperation
05:16PM 18 agreement, correct?

05:16PM 19 A. Correct.

05:16PM 20 Q. They decide whether you agree and fulfill the entire
05:16PM 21 commitments of your agreement, correct?

05:16PM 22 A. Correct.

05:16PM 23 Q. And that's it, right?

05:16PM 24 A. That's it.

05:16PM 25 **MR. SINGER:** Nothing further.

05:16PM

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THE COURT: Anything more, Mr. Tripi?

05:16PM

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MR. TRIPI: No, Your Honor.

05:16PM

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THE COURT: Okay. You can step down, sir. Thank

05:16PM

4

you.

05:16PM

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THE WITNESS: Okay.

05:16PM

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(Witness excused at 5:16 p.m.)

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(Excerpt concluded at 5:16 p.m.)

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CERTIFICATE OF REPORTER

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In accordance with 28, U.S.C., 753(b), I

15

certify that these original notes are a true and correct

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record of proceedings in the United States District Court for

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the Western District of New York on August 29, 2024.

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s/ Ann M. Sawyer

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Ann M. Sawyer, FCRR, RPR, CRR

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Official Court Reporter

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U.S.D.C., W.D.N.Y.

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EXCERPT - EXAMINATION OF LOUIS SELVA - DAY 3

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